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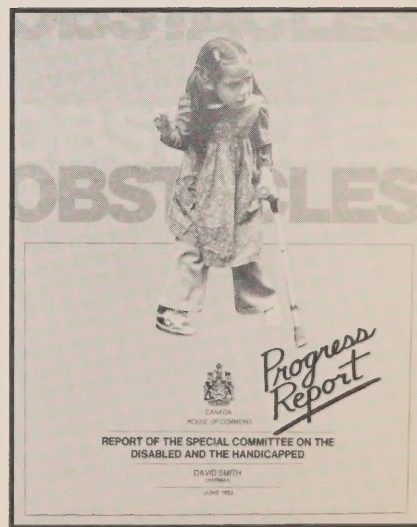
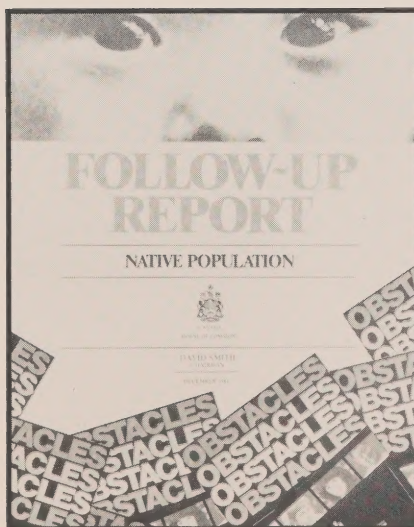
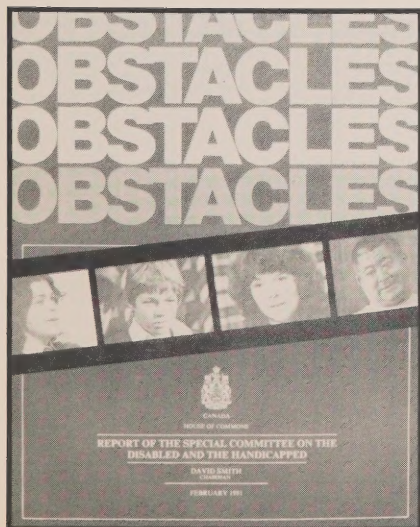
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# OBSTACLES OBSTACLES OBSTACLES

recommendations formulated and  
progress assessed by the Special  
Committee on the Disabled and  
the Handicapped

Status of Disabled  
Persons Secretariat  
March 1985



Canada





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### RECOMMENDATIONS OF THE SPECIAL COMMITTEE ON THE DISABLED AND THE HANDICAPPED

The present report integrates three out of print reports published between 1981 and 1983 by the Special Committee on the Disabled and the Handicapped; Obstacles, Follow-up Report and Progress Report.

The recommendations contained in these reports constitute a corner stone in the federal approach toward integration of disabled citizens and are reproduced to ensure the preservation of a still very pertinent and practical work tool.

This report has been published under the auspices of the Status of Disabled Persons Secretariat.

The present report represents a study of the...  
1981 and 1982 by the Special Committee on the...  
Statistics, Policy and Program...  
The Commission has conducted a study...  
the Board of...  
...  
This report was prepared under the...  
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# I N T R O D U C T I O N

## PRINCIPLES AND OBJECTIVES

### PRINCIPLES

This Report deals with two major kinds of obstacles faced every day by more than two million Canadians. One kind results from the fact that many men, women and children are deprived of good health, or have disabilities which deprive them from using their feet, legs, arms, hands, voices, ears, eyes and minds in a way that other Canadians take for granted. The other kind of obstacle results from the attitudes of non-disabled Canadians, who tend to disregard the needs of disabled persons when planning Canada's protection of human and civil rights, health care services, employment opportunities, and the various facilities and systems of housing, shopping, education, recreation, communication and transportation.

The Members of the Special Committee, after examining these obstacles in detail, are unanimously agreed that the following principles should be embraced by all Canadians:

- . **Participation:** Disabled Canadians must have the same opportunity to participate fully in all of the educational, employment, consumer, recreational, community and domestic activities which characterize everyday Canadian society.
- . **Responsibility:** All Canadians are responsible for the necessary changes which will give disabled persons the same choice of participation that are enjoyed by those who are not disabled.
- . **Self-Help:** Disabled Canadians are often best able to help themselves through their own service and advocacy organizations.

\* \* \* \* \*

## OBJECTIVES

Using these principles as a foundation, the Members of the Special Committee have made recommendations in this Report which are designed to achieve the following objectives for disabled persons:

- . Achievement of adequate income.
- . Support for promotion of self-help efforts.
- . Provision of technical aids, and community support services such as attendant care and intervenor services.
- . Equal benefits and protection under the law.
- . Equal opportunity of access to public buildings, facilities and programs.
- . Equal access to a full range of opportunities in
  - . Employment
  - . Housing
  - . Education
  - . Transportation
  - . Recreation
  - . Communication and Information.
- . Provision of community support services to reduce or eliminate the need for institutional care.
- . Improved quality of life for disabled persons who live in institutions.

\* \* \* \* \*

## JURISDICTION

In presenting this Report, the Members realize that the recommendations will call for greater cooperation between the Federal and Provincial Governments. Throughout the hearings, witnesses repeatedly stated that jurisdictional boundaries were no excuse for avoiding necessary actions.



The Members have seen their task as pointing out the scope of existing problems, so that the ultimate responsibility for solving them can be speedily recognized and assumed.

\* \* \* \* \*

### RECOGNITION

In 1981, The International Year of Disabled Persons, the community of disabled persons in Canada is striving for self-determination, and the Members of the Special Committee are in full support of these efforts. At the same time, it must be recognized that much of the progress that has been achieved on behalf of disabled persons over the past fifty years has come through the work of voluntary organizations. Without these pioneers, and the network of services they have created in every province, the prospects for self-help among disabled persons would be greatly diminished.

\* \* \* \* \*

### PERSPECTIVE

In comparison with the efforts being made in other countries, Canada shows poor progress in assisting disabled persons in the areas of employment opportunities, income security, community support services, and technical aids. The Members can find little reason for this situation other than lack of direction and coordination on the part of government, institutional, and community leaders who have the power to make changes. There are no insurmountable obstacles to prevent Canada from taking a world leadership role in providing disabled persons with the practical means for greater independence.

\* \* \* \* \*

## FUNDING

The implementation, in their entirety, of the recommendations in this Report is of prime concern to the Special Committee. While many of the recommendations will have only small dollar figures in times of financial restraint, we appreciate the difficulty in expecting to find adequate sums of new money for innovative programs, some of which will cost significant amounts.

Recognizing the expressed desire of the Government and others "to help those who need it most" and, acknowledging the conviction of many that the concept of universality should prevail, it behooves us to realize that some 2,000,000 Canadians, disadvantaged by reason of disability and who need help the most, are at the same time denied the benefits of universality as applied to opportunities for accessibility, employment, housing human rights, mobility, etc.

It follows then, that in order to find adequate funds for the disadvantaged, the Government and Canadians should reassess their spending priorities and thereby find monies which are currently being spent on programs which are directed to those who are neither physically, mentally nor financially handicapped. Such an approach would be similar to that followed in other countries, such as Sweden, where they are more progressive than Canada in their assistance to the disabled and handicapped. Without increasing public spending, Canadians have an opportunity to meet the needs of our disabled citizens, and thus join the ranks of those countries who can be proud of the way they recognize the human potential of everyone.

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**THE SPECIAL COMMITTEE'S MANDATE HAS BEEN TO REPORT  
ON THE NEEDS OF THE DISABLED AND THE HANDICAPPED  
THROUGHOUT CANADA**

The original mandate of the Special Committee for the Disabled and the Handicapped was to report to the House of Commons on the needs and concerns of disabled persons, of whom there are more than two million in Canada. In its major report, OBSTACLES, which was tabled in the House in February 1981, the Committee made 130 recommendations for action on the part of the Government of Canada. These recommendations have subsequently been presented by the Government to its various departments, agencies and crown corporations so that action would be taken as soon as possible.

At the same time, the mandate of the Committee was extended through to the end of the present Session of Parliament. 1981 was the International Year of Disabled Persons, and it was determined by the House of Commons that the Special Committee could serve a useful purpose in bringing the key issues concerning disabled persons to the attention of the Canadian public during the course of that special year, and beyond. The Members of the Committee have appeared continually as guest speakers before public meetings, on television and radio programs, and as the subjects of interviews in newspapers and magazines. In addition, the Special Committee investigated during this period of its extended mandate the needs and concerns of disabled persons among the Native population in Canada. In December 1981, the Committee tabled a special follow-up report with twelve further recommendations for action, specifically focused on improvements for disabled persons in Native communities.

**There Has Been Significant Response By The Government  
To The Committee's Recommendations.**

During the past fifteen months, the Committee has ascertained that there has been considerable progress made within the Government of Canada to act



upon all of the recommendations which have been made. The Members of the Committee have been gratified by the interest, dedication and responsibility which have been demonstrated by several departments, by the Ministers of these organizations, and by their staff members. In many cases, these public servants have acted well beyond the wording of the recommendations, and have provided solutions to problems which show a deep understanding for the needs of disabled persons, and a commitment to their long-term aspirations.

In particular, the Members would like to single out for praise the new policies and programs which have been initiated by the Ministers of National Health and Welfare, Communications and Housing. There have been, as well, notable efforts on the part of certain divisions of other departments. In all, at the time this report is being tabled, there has been significant progress made on 106 of the 142 recommendations which the Committee made in its two 1981 reports. The Members of the Special Committee wish to thank those individuals whose efforts were instrumental in bringing about this progress.

**The Long-Term Needs of Disabled Persons Require The Representation In Cabinet Of A Special Minister Who Has No Other Responsibilities.**

While these efforts mentioned above are laudatory, the Committee has identified certain obstacles which are built into the very structure of the bureaucracy which prevent many the concerns of the disabled community from being understood and addressed. In the OBSTACLES report, the Committee specified in Recommendation 130, the last one in the report, that a Minister be designated, whose sole responsibility would be to represent the needs and the concerns of disabled persons in Cabinet, to act as a political advocate through the federal public service, and to formulate new government policies and programs on behalf of disabled persons. In retrospect, the Committee now realizes that it should have made this recommendation the first in its report, rather than the last. The experience of the past year in watching the various organizations of Government respond to the recommendations has clearly proven that the needs and concerns of the disabled persons cannot be adequately addressed by the Government of Canada without the representation of a special Minister.

The initial response to Recommendation 130 was to designate the present Secretary of State as a co-ordinator of the efforts of the entire Government to respond to the OBSTACLES recommendations. The Committee feels that this was a positive step, a necessary step, and that it has lead to increased advocacy for disabled persons within the bureaucracy. The role as co-ordinator is certainly one of the functions that the Committee sees as making up the mandate of the special Minister that it recommended.

**The Minister Cannot Adequately Represent The Concerns of Disabled Persons If His Mandate Is Only Temporary And Only One of Many Other Responsibilities.**

Having said that the initial response is useful, the Committee is unanimous in stating that this action does not go far enough, for several reasons.

The needs and concerns of disabled persons are an ongoing reality which extend far beyond the scope of those issues raised by the Committee in its OBSTACLES reports. If anything, the recommendations in those publications simply call for the bare minimum of action that is needed to enable disabled persons to help themselves in the areas of employment, housing, education, communication, and a host of other areas of everyday life in this country. OBSTACLES was intended simply to open the door of Government to the disabled community. When the Special Committee has ceased to exist, which will be shortly, and when all of its recommendations have been acted upon, the real work will have just begun. That being the case, disabled persons in this country require a senior representative at the highest levels of government to fight for their rights and progress as full participants in Canadian society.

The Committee, while fully appreciating the efforts of the Secretary of State on behalf of disabled persons, must point out that the Minister has at least a dozen other responsibilities which make equal demands upon his time and attention. The Committee is strongly convinced, therefore, that the next step is to designate a permanent Minister to advocate the needs and concerns of disabled people. This Minister of State would not have a

Department, but would be attached to another portfolio as is the case for the Minister Responsible for the Status of Women. This mechanism is working very effectively at this time, and the Committee feels that the example can be extended to the special area of responsibility for disabled people. This special Minister would directly represent the disabled in Cabinet, monitor programs for disabled people in other departments, and prepared the groundwork for new legislation. In this capacity, he or she will act as a watchdog, without the need for a bureaucratic structure. The Committee sees no need for additional bureaucracy within the Government, but a much greater need for political leadership which this new Minister will provide.

**The Importance Of A Special Minister Must Be Seen Within The Context Of Significant Changes Which Are Occurring Within Canadian Society Because Of Technological Changes Throughout The World.**

In order to appreciate fully the importance that this special Minister will have, it is necessary to understand the pressures of Canadian society which presently prevent the participation of disabled persons in the daily activities which are taken for granted by most Canadians who are not disabled. The Committee Members wish to be on record here that they are neither impugning the motives of any representative of Government, nor questioning the competence of the public servants who are being asked to respond to the issues which concern disabled persons. The crucial obstacles which prevent the Government from responding directly, appropriately, and continually to the needs of more than two million Canadians have nothing to do with motivation. They have to do with the systems of communication, organizations and decision-making within the Government of Canada, and within Canadian society in general.

Canada, as a society, is in the midst of a massive transformation from an industrial-based economy to a service-based economy. Each year the gross national product of the country reflects a greater portion contributed by the service sector, in relation to that made by industry, agriculture and resource development. This is true for all western industrialized nations,



and in each of these nations the traditional institutions which govern the public and private sectors are under great strain to adjust to new systems of management and production. In all of these attempts to adjust, a priority has been placed upon efficiency and productivity, and the economic usefulness of many human beings has been called into question. There is a major crisis already being experienced in our society by those whose jobs have been deemed expendable in the effort to make businesses and other organizations more productive and more flexible in the face of future, unpredictable changes being caused by technological evolution throughout the world.

**An Increasing Number Of Persons In Canadian Society Are Finding Themselves To Be Considered Useless In The Eyes Of Their Families, Friends And Communities.**

To be considered expendable, economically, in most parts of Canadian society has the same meaning as being useless, as being without value to that society. At the present time, there are many able-bodied individuals who are experiencing this sense of being useless. The media continually features reports about the physical duress, and psychological damage, which people are experiencing who are without employment. This is true for those who are losing their jobs, and for those who have been unable to obtain even a first job. These people lose respect within their families, among their friends, and within their communities. If they must depend upon financial assistance from Government or from other sources, this only reinforces their sense of uselessness.

It is pointless to argue that people shouldn't feel that way, when all of the dominant values of worth in society tend to be economic in nature. The fact is that the economic system, in its present stages of change, is making many people economically expendable. Moreover, the predominant message is that they are neither participating in Canadian society nor making a contribution to it.

**Disabled Persons Find Themselves With Even Fewer Opportunities  
And Less Power In The Present Circumstances.**

If the situation described above is the case for able-bodied persons, how much more it must be the case for those who are disabled. In a society where competition for economic opportunities and security is growing keener even for those who are qualified, who have mobility, and who have access to political powers, then the opportunities are significantly decreased for those who lack access to training, to job markets, to transportation, to employment information, and to the decision-makers whose everyday influence determines the political, economic and social structures of Canadian society.

**The Condition Of Disabled Persons In Canada Poses The Fundamental  
Question About The Worth Of Any Human Being And About The Future  
Value Of The Country**

We do not live in an ideal society, nor are the Members of the Committee in this report pointing the finger of blame at anyone as the author of the conditions described above. Even a cursory examination of world events, as reported by the media, is enough to establish that there are world-wide conditions. World society is a massive political, economic and social transformation, and Canada as a national society is experiencing the impact of this general transformation. This is a time of changing knowledge, attitudes, skills and habits for everyone on the planet.

The single point that the Committee wants to make here is that Canada has always prided itself on its humane foundations of government. It is precisely in times of economic, political and social strain that the true humanity of a people is proved. In those times, in these present times, a country decides whether it is a nation which includes everyone, or whether it is an economically segregated society, which includes as full members only those who can pay the price of admission.

The question of the usefulness of individual human beings in Canadian society will be a central issue of legislative debate as technological change around the world exerts more pressures on the institutions of the Government. In addressing this question in this report, the Committee does not feel that it is doing any special favour to the millions of disabled persons in this country. This is a question which lies at the heart of Canada's continued viability as a nation, as it experiences further economic pressures from outside its borders.

If anything, it is the disabled in Canada who have done a favour for the rest of the population. Their very condition forces all individuals in Canadian society, and especially those who have political and economic power, to ask themselves: What is the value of Canada unless it continually expands the participation of all Canadians? What will be the future of Canada, if it does not?

**It Is Not The Role Of Public Servants To Determine What Is Best For Two Million Canadians, But For Those Canadians Themselves To Decide.**

Therefore, in light of this question and its implications, the Committee wants to emphasize that it is not asking for charity or special favours on behalf of the disabled community. In recommending that a special Minister be designated to represent the concerns of the disabled, the Committee does not see that it is asking for anything more than that which has already been done for other groups of Canadians--businessmen, scientists, farmers, labour unions, women, to name just a few. The question is not whether disabled persons are full members of Canadian society. They are. It is simply that the structure of the Government of Canada, at the present time, does not reflect this reality, and this must be corrected as soon as possible.

The remainder of this report consists of a progress report on actions taken by the Government of Canada in response to each of the previous recommendations made the Special Committee. In each case, the Members have reserved for themselves the right to scrutinize and judge the Government



response. The mere fact that some action has been taken does not automatically mean that it was the appropriate response. The appropriateness of a response can only be judged by its impact in public, not by the intentions of the civil servants who undertook it. At the same time, the Committee has reserved for itself the right to revise its own thinking about the original recommendations. In some cases, information which has come to the Members since the publication of OBSTACLES has prompted them to change their minds about the usefulness of the actions recommended. Therefore, some of the recommendations needed to be revised, and these revisions are indicated in the copy which follows.

The Members of the Special Committee see themselves, and all organizations of the Government of Canada, as public servants. In the final analysis, it is not what the Committee wants that is important, or what the Government of Canada wants. What is important are those needs and concerns which the disabled people of Canada have asked the Government to address and act upon so that they can participate more fully in the daily life of this country, now and in the future.

## **GLOSSARY OF TERMS USED IN THIS REPORT**

**NOTE:** This glossary is intended to provide brief explanations of terms used in the Report which may be unfamiliar to some readers. No attempt has been made to create detailed or official definitions.

Definitions for which no source is supplied are based on a wide range of materials, particularly submissions to the Committee and evidence of witnesses at the Committee hearings.

### **ADULT OCCUPATIONAL ACTIVITY CENTRE**

A centre which provides stimulation and occupational therapy for individuals who are incapable of gainful employment

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### **AFFIRMATIVE ACTION**

Result oriented program designed to increase the representation of minorities at all levels of the workforce. Its major aim is to eliminate discrimination in employment and to maximize the use of under-utilized human resources.

\* \* \* \* \*

### **ARTHRITIS**

An inflammation of the joints, sometimes with involvement of other systems. Although there are many kinds, three of the most common are:

#### **(1) Rheumatoid Arthritis (RA)**

A chronic progressive systemic disease of unknown origin, manifested primarily by inflammation of the peripheral joints, especially the

hands and feet. Drug and physical therapies are basic treatments. R.A. has a variable course sometimes affecting organs, e.g. lungs, liver or kidneys.

(2) **Osteo-Arthritis**

A degenerative joint disease marked by degeneration of the cartilage between the joints (articular cartilage) and hypertrophy of the bone at the margins (enlargement of the ends of bone). Weight bearing joints such as hips, spine and knees are most commonly affected. It is a frequent cause of neck and back pain.

(3) **Gout**

A hereditary form of arthritis marked by hyperuricemia (excess of Uric Acid in the blood) and by recurrent sudden arthritic attacks, often on a single joint.

(Source: Canadian Human Rights Commission, Employ-ability--A Resource Guide).

\* \* \* \* \*

**ATTENDANT**

Trained person who assists a disabled person on a regular but limited basis in such activities as eating or personal hygiene.

\* \* \* \* \*

**AUTISM**

A behavioural disorder which may include some or all of the following:

- (1) Severely impaired speech or complete lack of speech.
- (2) Inability or impaired ability to relate to others and social inaccessibility to all persons--children, parents and other adults.



- (3) Extreme distress, for no discernible reason, due to minor changes in the environment.
- (4) Lack of intellectual development or retardation in certain areas, sometimes accompanied by normal or superior abilities in other areas.
- (5) Repetitive or peculiar use of toys and objects in an inappropriate manner and/or similar repetitive and peculiar body motions such as incessant rocking.
- (6) Unusual reactions to perceptual stimuli, such as seeming not to hear certain sounds and overreacting to others, e.g., holding hands over ears or "looking through" objects, poor eye contact, unable to perform certain gross and/or fine motor activities--walking with a peculiar gait, limpness in fingers, inability to hold a pencil appropriately.
- (7) Onset of disorder at birth or apparent normal early development followed by deterioration in functioning.
- (8) Hyperactivity or passivity.
- (9) Apparent insensitivity to pain.

\* \* \* \* \*

#### **BLINDNESS AND LEGAL BLINDNESS**

This category includes those who have no sight, as well as those who have severely reduced vision, including the following conditions:

- (1) Central visual acuity in the better eye 20/200 or less with corrective lenses.
- (2) Central vision better than 20/200 but with a visual field or peripheral vision which is reduced to 20% or less.

(3) Light perception only, or ability to read only large headlines.

(4) Ability to see form or motion, or sufficient sight to get about unaided.

(5) Night blindness. This is a condition of reduced dark adaptation resulting from a temporary vitamin A deficiency or permanently from retinitis pigmentosa or other peripheral retinal disease.

(Source: Employ-ability)

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#### BONA FIDE OCCUPATIONAL REQUIREMENT

Essential education, skill or experience needed to do a job.

\* \* \* \* \*

#### CEREBRAL PALSY

A term used to describe various non-progressive muscular dysfunctions which may result from injury to, or malformation of, those areas of the brain which control motor functions of the body.

Cerebral palsy is a group of disorders manifesting themselves in degrees of impairment ranging from mild to severe. Some of the possible manifestations of C.P. are still movements of the arms and legs (spasticity), staggering gait, involuntary motion of the arms and legs, drooling, difficulty in speaking, chewing or swallowing.

(Source: Canadian Human Rights Commission, Employ-ability)

\* \* \* \* \*

## CONTRACT COMPLIANCE

"Contract compliance" refers to a requirement that organizations benefitting from government contracts (for example, contracts to supply goods or services, manufacture equipment, construct buildings) must comply with certain special terms, such as the anti-discrimination provisions of federal human rights legislation, accessibility guidelines, affirmative action policies.

\* \* \* \* \*

## DISABILITY (IMPAIRMENT, HANDICAP)

**Impairment** is a generic term that embraces any disturbance of or interference with the normal structure and functioning of the body, including the systems of mental function. (It is characterized by a permanent or transitory psychological, physiological, or anatomical loss or abnormality, and includes the existence or occurrence of an abnormality, defect, or loss in a limb, organ, tissue, or other structure of the body, or in a functional system or mechanism of the body).

**Handicap** is the disadvantage that is consequent upon impairment and disability. (It represents the social and environmental consequence to the individual stemming from the presence of impairments and disability).

**Disability** is the loss or reduction of functional ability and activity that is consequent upon impairment. (It is characterized by excesses and deficiencies of behaviour and other functions customarily expected of the body or its parts. It involves functional limitation and/or activity restriction).

(Source: World Health Organization).

\* \* \* \* \*



## ENVIRONMENTAL CONTROL DEVICE

A technical aid which permits a disabled person to control his or her immediate surroundings without assistance. Its technological components are a switch, control box, feedback information display and the appliances to be controlled. The person operates the switch to turn lights, radio, television or tape recorder on and off, use a telephone or dictaphone, unlock doors, activate alarms, etc.

A variety of switches—operated by touch (rocker, lever, button, switches, or a disc which responds to light touch) or by mount (suck/puff) ensure that the equipment can be operated easily regardless of disability.

(Source: Canadian Rehabilitation Council for the Disabled, "Independence through Environmental Control Systems").

\* \* \* \* \*

## EPILEPSY

An epileptic is a person who is likely to have epileptic seizures, which are erratic or uncontrolled electrical discharges within the nervous system. These can be produced by a variety of organic or chemical disorders, or may result from injuries affecting the brain.

Any individual may have a seizure if his or her nervous system is subjected so sufficient stimulus. For example, certain drugs or toxic substances can produce seizures in anyone. Epileptics simply have an abnormally low threshold for certain stimuli.

There is no such thing as an "Epileptic Personality". Each person must be viewed as an individual rather than being labelled as part of a general group. Epilepsy does not affect the individual's intellectual functioning. Most of those taking anti-convulsive drugs are seizure free and can live and work normally.

(Source: Canadian Human Rights Commission, Employ-ability).

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## HANDICAP, SEE DISABILITY

\* \* \* \* \*

## HEARING IMPAIRMENTS

It is estimated that there are over 200,000 profoundly deaf people in Canada, and an additional 1,500,000 with hearing impairments.

Deafness may occur due to: hereditary factors, maternal diseases (rubella), the side effects of certain drugs, birth traumas, scarlet fever, meningitis, measles or severe ear infections.

Deafness is of two types:

- (1) Nerve deafness (sensorineural) is due to cochlear disease (disease of the spiral tube forming part of the inner ear) or interruption of the nerve fibres within the inner ear.
- (2) Conduction deafness is due to disease of the middle ear: otosclerosis (formation of spongy bone in the capsule of the labyrinth of the ear); chronic otitis media (inflammation of the middle ear); or rupture of the ear drum. Conduction deafness can often be corrected by surgery.

\* \* \* \* \*

## IMPAIRMENT, SEE DISABILITY

\* \* \* \* \*

## INDEPENDENT LIVING SERVICES

Those services which are uniquely required by the physically disabled person in order to maintain an independent lifestyle in the community. Such services may include a personal care attendant or an intervenor.

\* \* \* \* \*

## **INTERVENOR**

Refers to gestural (sign) interpretation, reader services or provision of information on cassettes or in braille.

\* \* \* \* \*

## **LEARNING DISABILITY**

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written. This may manifest itself in an imperfect ability to listen, think, speak, read, or spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal dysfunction, dyslexia, and developmental aphasia. It does not include learning problems caused by retardation, emotional disturbance, environmental, cultural, or economic disadvantage.

\* \* \* \* \*

## **LIEUTENANT-GOVERNOR'S WARRANT**

An order made by the Lieutenant-Governor of a province, which requires that a person be detained in a mental institution for an indefinite period. There are two findings under Canadian criminal law (Criminal Code Sections 542-547) which may result in a Lieutenant-Governor's Warrant. A person accused of a crime may be found "unfit to stand trial"; that is, deemed to be temporarily or permanently unable, because of mental disability, to understand the proceedings or instruct his or her lawyer. The other finding is "not guilty by reason of insanity". At the end of a criminal trial, it may be decided on the evidence that the accused performed an act or acts constituting a crime, but was incapable of appreciating the nature and quality of the act, or knowing it was wrong. In both cases, the judge orders that the person found "unfit", or "insane" be kept in custody "until the pleasure of the Lieutenant-Governor is known". The Lieutenant-Governor



of the province then has the power to make an order of indefinite detention in a mental institution, the Lieutenant-Governor's Warrant.

\* \* \* \* \*

## **MOBILITY LIMITATIONS**

### **Monoplegia**

Paralysis of all muscles of one limb.

### **Hemiplegia**

Paralysis of one side of the body. This is the most common type of paralysis, often associated with cerebrovascular accidents (strokes).

### **Paraplegia**

Paralysis of both legs, commonly associated with spinal cord disease or spinal cord injury.

### **Quadriplegia**

Paralysis of all four limbs, commonly associated with spinal cord disease or spinal cord injury in the neck.

(Source: Canadian Human Rights Commission, Employ-ability)

\* \* \* \* \*

## **MULTIPLE SCLEROSIS**

One of the most common chronic progressive neurological diseases. Its cause is undetermined. It is characterized by demyelination (loss of the myelin which is the fatty sheath surrounding the axon of nerve fibres) in certain portions of the nervous system. Some classical features include impaired vision, nystagmus (involuntary movement of the eye ball), disarthria (a form of speech impairment), and ataxia (failure to control muscular action often characterized by unsteady gait and problems with balance).

The average age of onset is 35, this condition may remit and recur for thirty years or more.

(Source: Canadian Human Rights Commission, Employ-ability)

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## RESPITE CARE

Provision of alternate care so that the primary care-giver may have a rest or holiday.

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## SHELTERED WORKSHOP

A business organization specifically designed for disabled persons who would otherwise be unable to find employment.

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## TELEVISION CAPTIONING

Television captioning is the provision of subtitles (such as in a foreign film) which appear on the television screen in order to show hearing-impaired viewers what is being said on the program. A captioning system is called "open" if all viewers see the subtitles, whether or not they wish to, and a system is called "closed" if only those viewers whose television sets are specially adapted or equipped can see the captions.

A closed captioning system operates through the imposition of electronically encoded visual subtitles in a portion of the television picture that is normally not seen (on Line 21 of the vertical blanking interval). The encoded caption material is transmitted by the television

station along with the regular audio and visual portions of a program, but becomes visible only when decoded by a special device either attached to or built into the TV receiver.

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#### TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)

A telecommunication device for the deaf (TDD) is any device such a teletypewriter or Visual Ear, which provides deaf persons with access to the public telephone network, by enabling them to type and read their messages over telephone lines rather than speak and hear them in the normal fashion.

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## HUMAN AND CIVIL RIGHTS

### 1 AMEND THE HUMAN RIGHTS ACT TO PROTECT DISABLED PERSONS

That physical handicap be made a proscribed ground of discrimination for all discriminatory practices listed in the Canadian Human Rights Act, and not just for discriminatory employment practices.

That the Canadian Human Rights Act be further amended so that Tribunal orders can be made with respect to access to goods, services, facilities, and accommodation, and that it include a qualification that the changes ordered by a tribunal should not impose undue hardship on the respondent.

That mental handicaps (learning disabilities, retardation or mental illness) and a previous history of mental illness or a previous history of dependence on alcohol or other drugs be added to the proscribed grounds of discrimination under the Canadian Human Rights Act (CHRA).

**Clear Public Direction:** Canadians are no longer prepared to accept this form of discrimination in any area of society. By far the most repeated request that the Committee received in its hearings across Canada was for greater protection under the CHRA. In addition, these requests were supported by representations that have been made during the past two years to the Canadian Human Rights Commission, by samplings of public opinion, and by recent legislative developments in several provinces. They all clearly point to the need for improvement under the Canadian Human Rights Act.

**Invisible Disabilities:** Those Canadians who are mentally ill, or who have learning disabilities, are in special need of protection because their problems tend to be invisible. As a result, there is a general lack of

public understanding about the needs, abilities and problems of these individuals. The mentally ill are occasionally considered to be dangerous lunatics. This attitude is reinforced through rumours, jokes and by stereotypes presented in films and television programs. The learning disabled are sometimes branded as lazy, as having a very weak or very low intelligence. Both groups experience discrimination in a variety of everyday situations--particularly when seeking employment. Legal protection, therefore, is needed to safeguard the rights of these individuals who have special needs.

**Existing Mechanisms:** The United States prohibits discrimination on the basis of physical and mental disability in its Rehabilitation Act of 1973. In this country, the Canadian Human Rights Act is an existing mechanism which can be used to provide similar protection for Canadians.

## **1982: COMMITTED**

**Every Hearing:** One of the key recommendation in OBSTACLES, the need for changes to the Canadian Human Rights Act, was mentioned at every public hearing. The Committee felt that the matter was of such urgency that it issued an interim report in October 1980 to highlight the need for these changes. This interim report also stressed the need for "full and equal protection" for persons with physical or mental handicaps in any proposed Charter of Rights and Freedoms.

**Active Efforts:** The Charter of Rights and Freedoms does include protection from discrimination on the basis of physical or mental disability. The inclusion of this Clause was achieved through the active efforts of the Committee members and consumer groups, particularly COPOH (Coalition of Provincial Organizations of the Handicapped).

**Drugs and Alcohol:** As a further extension of the principle of protection, the Canadian Human Rights Commission (CHRC), in support of this recommendation, has also decided that "previous history of dependence on alcohol or other drugs" should now be simply "dependence on alcohol or



other drugs". The Public Service Commission has "major concerns" about inclusion of either mental disability or previous dependence on drugs or alcohol. But there has been strong support for both the OBSTACLES recommendation and the CHRC decision from such groups as COPOH, and the Canadian Mental Health Association.

**Priority:** The Committee feels that amendments to the Canadian Human Rights Act are urgently needed, and the Minister of Justice stated that he sees this recommendation as a priority.

**Unable to Assist:** Because the current provisions under the Act allow only for investigation of discrimination on the basis of physical handicap in employment matters, the Canadian Human Rights Commission has been unable to assist in a number of cases of discrimination. For example:

- . A physically disabled person, in a wheelchair, was denied access to the second floor of a Federal museum because of difficulties in leaving should a fire occur.
- . A physically disabled person could not enter certain Government buildings such as employment centres or post offices, because they were inaccessible.
- . A person with mild schizophrenia which was totally controlled by medication was employed by a railroad. When the employer found out that the person was taking medication, and the reason for it, the employee was fired.

**Demonstrated:** The need for amendments to the Canadian Human Rights Act have been amply demonstrated. The Committee urges immediate action on this acknowledged priority item.

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2     **DIRECT HUMAN RIGHTS COMMISSION TO PROVIDE DETAILED GUIDELINES**

- A) That the Canadian Human Rights Commission (CHRC), in consultation with appropriate consumer groups, develop and publish Guidelines to:
- . Confirm and clarify their present administrative practice of hearing similar complaints simultaneously;
  - . Define methods of establishing "class" for beginning class action complaints to the Commission.
- B) That the Canadian Human Rights Commission should develop precise Guidelines on the scope of "undue hardship" as an exemption from the Act; these Guidelines should be published when the Committee's suggested amendment to the Canadian Human Rights Act is passed.

**Immediate Need:** The Committee learned from its hearings that there is an immediate need to clarify certain legal terms used under the Canadian Human Rights Act, and to clarify procedures of "class action" as they relate to complaints made to the Human Rights Commission.

**Bona Fide Requirement:** "Bona Fide Occupational Requirement" means the essential education, skill or experience that is needed to do a job. Under the present provisions of the Canadian Human Rights Act, employers may use this term to discriminate against disabled persons. For example, the job description for an accounting job may list "using the telephone" as a requirement. This would automatically exclude a deaf person with accounting skills and experience. The question, then, is whether using the telephone is a bona fide requirement. An examination of the situation may show that it is incidental--and that a deaf person with the requisite accounting skills can do the job perfectly well.

The Canadian Human Rights Commission, therefore, should establish a Guideline under the Canadian Human Rights Act to make this term more precise and predictable. This Guideline should make it clear that certain practices will not qualify as a "Bona Fide Occupational Requirement".

**Undue Hardship:** In its First Report, the Committee dealt with possible exemptions under the Canadian Human Rights Act. It recommended that a person could be exempted from having to provide goods, services, facilities, and accommodation to a disabled person if he or she could show that this would cause "undue hardship". For example, a small regional airline would not likely be expected to retrofit or renovate its existing fleet to make all equipment accessible, following the complaint of a wheelchair user. Interim arrangements--such as pre-arranged boarding assistance--might be accepted in this case. The airline, however, would be expected to make full changes when new aircraft were purchased, or major renovations were undertaken. Each "undue hardship" exemption would be examined carefully, in light of the Guideline. Only real cases of hardship could provide a justification for discrimination.

**Avoid Controversy:** Both the Canadian Human Rights Act and this exemption for "undue hardship" have the potential for creating controversies and legal haggling. There will obviously be cases where a claim of "undue hardship" is simply an attempt to avoid legal responsibilities. At the same time, there will be cases where disabled persons make unreasonable demands, charging discrimination in situations where the demand for goods, services, facilities and accommodation is clearly unrealistic.

In order to avoid such controversies, the Canadian Human Rights Commission should develop and publish precise Guidelines on the scope of "undue hardship".

**Group Complaints:** Complaints made to the Canadian Human Rights Commission are frequently similar to each other. Wherever possible, the Commission has followed the practice of joining them together. In addition, a group of people may bring their complaints to the Commission as a joint effort.



A complaint can be made about an employment practice or policy which results in systematic discrimination.

**Class Actions:** A type of true "class action" is also required. In a class action, a person could make a complaint on behalf of himself and others who have the same problem and who would benefit from the success of the case. In this situation, each of the complainants must give personal authority for the suit, and must be specifically named within the class. Any class action possible before the Commission must also be permissible in other court proceedings arising from the case; for example, an appeal.

**Efficient/Economical:** It is clear that both of these practices--group complaints and class actions--help to strengthen the force of the complaints, and to save costs for the complainants. Both practices must be publicized, and be more frequently used.

#### 1982: (A) COMMITTED

**Not Necessary:** The Canadian Human Rights Commission (CHRC) feels that the Act clearly enunciates the procedure followed by CHRC in group or class complaints. Therefore, CHRC feels that publication of the guidelines is not necessary. CHRC will undertake a campaign to publicize the appropriate procedures under section 10 and 32(4) of the Act. The Committee sees that CHRC is committed to the spirit of the recommendation.

#### 1982: (B) NOT IMPLEMENTED

**Difficult:** CHRC believes that Guidelines on "undue hardship" may be difficult to formulate, but the Commission will continue to study the situation. The Department of Transport thinks the grounds for exemption should be "reasonable cause, including undue cost". The Canadian Hearing Society and the Canadian Co-ordinating Council on Deafness agree that Guidelines are important, especially for the hearing impaired. The Mayor's Task Force (Toronto) questions the need for Guidelines.

**Emphasized:** The Committee recognizes that final development and issuing of Guidelines must await a decision on the exact wording of the amendment to the Act. Some experience with the new legislation may also be needed. The need for continuing consultation with disabled consumer groups concerning the scope of any "undue hardship" exemption is emphasized.

**Note:** The Bona Fide Occupational Requirement Guidelines, brought into effect in January 1982, make the extent of this exemption for employers very clear and provide a legal standard for interpretation of that part of the Act.

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### 3 INTRODUCE SHIFTING ONUS INTO THE HUMAN RIGHTS ACT

That the Canadian Human Rights Act be amended to stipulate a shifting onus of proof so that once the complainant has made out a prima facie (reasonably believable/reasonably sound) case of discriminatory practice, the onus of proof shifts to the respondent to prove that discriminatory practices did not occur.

**Shifting Onus:** The principle of "shifting onus" means that once a complainant has made a reasonably believable and sound case of discrimination, the onus of proof immediately shifts to the respondent. He or she must then satisfy the Canadian Human Rights Commission (CHRC) that discrimination did not occur.

**Prima Facie:** This recommendation does not go as far as the Saskatchewan Human Rights Code, which places the entire burden of proof on the respondent. The complainant, under that code, does little more than lodge the complaint; the respondent must do everything else. The Committee's recommendation still requires that the complainant establish **prima facie** grounds before the onus of proof shifts to the respondent.

**Legal Right:** The administrative procedures of the CHRC already provide for a type of informal "shifting onus" in practice. However, a legal requirement of a shifting onus would make the practice a legal right for a complainant. It would also mean that a tribunal set up to inquire into a complaint must operate with a shifting onus of proof. Any court action would have to take this into account as well. Persons who make a complaint are frequently in a poor position to provide all of the evidence. The respondent, on the other hand, has the facts available to explain his or her actions. He or she should, therefore, be legally required to produce them, for adjudication of the issue.

**1982: WITHDRAWN**

**Not Necessary:** The Canadian Human Rights Commission (CHRC) is of the opinion that no such amendment is necessary as a shifting onus of proof is inherent in the application of the Act. The concept is clearly spelled out in the criteria concerning physical handicap, and will be emphasized in future publications and, when appropriate, in speeches. The Justice Department feels the amendment is unnecessary since the law of evidence already recognizes the existence of this concept. The Department of Transport rejects the recommendation because the ordinary civil burden of proof is sufficient. The Public Service Commission opposes the change as it would set a precedent for their appeal procedures.

**Clearer Than Before:** The Committee agrees that the Administrative Criteria on "Physical Handicap and Employment" illustrate the concept of shifting onus for employers, disabled consumer groups and their advocates. The Bona Fide Occupational Requirement Guidelines embody some aspects of the shifting onus in a legal form, requiring the employers to establish certain facts in order to rely on this exemption. Recent tribunal and court proceedings have employed the shifting onus. Thus, legal principles are clearer than before.

**Reasonable Responses:** The Committee believes the responses to be reasonable, and therefore, has withdrawn this recommendation.

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#### 4 INCLUDE PRIMACY CLAUSE WITHIN THE HUMAN RIGHTS ACT

That the Canadian Human Rights Act be amended to add a primacy clause stating that, as a matter of statutory interpretation, the Act shall be applied unless Parliament expressly exempts the legislation from the Canadian Human Rights Act.

**Primacy Clause:** This clause would strengthen the CHRA, and bring greater scrutiny to any legislation which is discriminatory. The clause would state clearly, in the Act itself, that if there is any doubt arising in the interpretation of an existing law, such a doubt is to be resolved in favour of the CHRA. In this way, public servants who administer a law, Canadian Human Rights tribunals which decide on complaints, and the courts themselves, would be obliged to follow this rule. The clause would also require that Parliament, if it wished to pass new discriminatory legislation, to **expressly exempt** such legislation from the Act.

**Remove Doubts:** The primacy clause is not an authority to strike down inconsistent legislation. However, the wording of laws is often ambiguous, in which case the judges and lawyers follow laws of "statutory interpretation". This primacy clause would give clear, overriding direction that in any case of doubt, the interpretation which treats people in a non-discriminatory way is the proper one.

**Political Difficulty:** The primacy rule would require Parliament to state specifically that new inconsistent legislation must contain the words "notwithstanding the Canadian Human Rights Act". This required wording will make it politically difficult to enact any discriminatory legislation.



**1982: WITHDRAWN**

**Eliminates Need:** The Justice Department is of the opinion that Section 15 of the Canadian Charter of Rights and Freedoms eliminates the need for such a clause. The Canadian Human Rights Commission supports the recommendation but feels that it may be unnecessary with the entrenchment of equality rights. The Department of Transport supports the recommendation, with exemptions made for all Federal legislation related to safety.

**Strict Law:** In strict law, the need for a primacy clause is not eliminated for the next three years (until the equality rights in the Charter come into effect). In practice, no amendment would be passed in the meantime. After Section 15 of the Charter comes into effect, such a clause will no longer be relevant.

**Uncertainty:** This will continue to be an area of uncertainty until some definitive judgments have been made. Assuming that the courts will interpret Section 15 of the Charter of Rights and Freedoms as the Committee believes it was intended, the primary clause is not needed.

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**5 ESTABLISH POSTAL VOTE SYSTEM SIMILAR TO MANITOBA'S**

That the Federal Government proceed in developing legislation, together with the appropriate machinery and programs, to establish a postal vote system similar to the one that is successfully in effect in Manitoba.

**Poor Accessibility:** Throughout its hearings, the Committee heard complaints that the voting system throughout Canada makes it difficult for many disabled Canadians to travel to polls on election day. The one exception to these complaints was the Province of Manitoba, which has made provisions for a postal vote system for provincial elections.

**Ten Days Prior:** Under the Manitoba Elections Act, the Returning Officer receives an application by mail at least ten days before the polling day, and then returns an initialled ballot to the voter at least seven days before the polling day. This ballot is then marked and sealed in a plain envelope, which is placed into another special envelope that is printed in the form of a certificate.

**Certification:** On the certificate envelope, two people must be identified: the voter, plus another voter who is authorized to vote in the same electoral division. This second person must certify that the first person's information is correct. The voter can then send the ballot and the certificate to the Chief Electoral Officer by any means before the close of the polls. In the case of postal disruptions, the ballots may be picked up by the Division Returning Officer, or be dropped off by friends or family.

**Track Record:** In the last Manitoba provincial election, 900 mail-in votes were received (total cast: 488,821) and were mostly from urban voters. Manitoba's Chief Electoral Officer advertised the details of the postal vote, and felt that the subsequent results were very satisfactory.

#### **1982: UNDER CONSIDERATION**

**No Problem:** The Chief Electoral Officer, who is responsible for administration of The Canada Election Act, say there is "no problem" from an administrative standpoint. He will draw the need for a postal vote to the attention of the Speaker of the House of Commons in his next report. He will review the implications of these proposed changes in the report, which is due at the beginning of the next Session of Parliament. This report will then be studied in detail by the Standing Committee on Privileges and Elections. Following this Committee's report, the Government will decide whether legislation will be introduced to accommodate these recommendations.

**Seriously Consider:** The Government House Leader says that "the Government will seriously consider these recommendations of the Standing Committee when it plans its amendments to the Canada Elections Act".

**Exercise Right:** Exercising one's franchise is an important part of individual responsibility as a Canadian citizen. The Committee urges the Government to consider seriously these recommendations which will assist 10% of Canadians to exercise more easily their democratic right. The Committee also recognizes that the Government cannot act immediately because of the process for changing the Canada Elections Act, but it urges speedy examination of the report of the Chief Electoral Officer and implementation of its proposed amendments.

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## 6 CEASE THE POLICY OF CENTRALIZING POLLING PLACES

That the Chief Electoral Officer be directed to immediately cease the present policy of centralizing polls and to accommodate, as fully as is reasonably possible, the mobility problems of disabled persons, including persons with disabilities due to aging.

That the Canada Elections Act be reviewed and amended to reflect the fundamental principle that elections are conducted for the convenience of all voters, including the disabled and aging; amendments should include provision for special polls at hospitals and nursing homes, the location of polls in apartment buildings, and should remove the discretionary power to centralize polls contained in Section 33(6).

**High Price:** The present policy of centralizing polling places serves the needs of the Office of the Chief Electoral Officer, but it ignores many of the needs of the voting public, especially those Canadian citizens who are disabled. Centralization makes it easier for electoral officers to organize the vote count, but it makes it more difficult for many voters to

reach the polling place. Centralization may cut the Office of the Chief Electoral Officer's costs of running a national electoral organization, but at the price of depriving many Canadians of their votes. It is totally contradictory for the Federal Government to espouse a policy of maximum voter participation, on the one hand, and a policy of restricted access to polling places, on the other. This centralization policy must cease immediately.

**Community Considerations:** A practice that makes more sense is to locate polling places for the convenience of sick and elderly persons, this means in their hospitals and nursing homes. For hundreds of thousands of other Canadians, this means in their apartment buildings. Whatever policy is followed, it should ensure that disabled persons are provided with maximum opportunity to cast their vote.

#### **1982: UNDER CONSIDERATION**

**More Flexibility:** The Chief Electoral Officer, in his last report to the Speaker, recommended more flexibility in setting the maximum number of electors in a polling division. Upon questioning by the Committee, he agreed to give clearer instructions "that where an apartment building constitutes a poll in its own right, the poll should be there and people should not be expected to go any distance". He noted that Section 33(9) makes it mandatory to set up polls in public buildings, and that apartments are not considered public buildings. He will review the implications of these proposed changes, therefore, in his report which is due at the beginning of the next Session of Parliament. (See Recommendation 5 for the process of amending the Canada Elections Act).

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7     **ESTABLISH ORIENTATION SESSIONS FOR POLLING PLACE PERSONNEL ON THE  
      NEEDS OF DISABLED VOTERS**

That the Chief Electoral Officer be directed to arrange, in consultation with disabled persons and their organizations, orientation sessions on the needs of disabled persons for Deputy Returning Officers and their staffs.

**Little Cost and Time:** Many of the problems that disabled voters encounter at polling places can be solved by educating the people who are responsible for these facilities. This includes the Deputy Returning Officers and their staffs. If these individuals become familiar with the needs of the disabled voter at the very outset of an election period, then many potential conflicts and problems of accessibility can be eliminated. Since these polling place personnel must go through an orientation session as a requirement for their jobs, this additional information regarding disabled voters will entail very little extra cost and time.

**1982: UNDER CONSIDERATION**

**Very Clear:** The Chief Electoral Officer reported that in the manual for deputy returning officers "we intend to try to make it very clear what their responsibilities are vis-à-vis the handicapped". He stated that he is limited by the fact that the only special provisions in the Canada Election Act are those related to blind persons.

**Written Instructions:** The deaf community responded positively to this recommendation stressing that accessibility for hearing-impaired include written instructions for deaf persons "at a language level appropriate to the written language skill of deaf persons".

**Amendments:** The Chief Electoral Officer will review the implications of this recommendation in his next report, which is due at the beginning of the next Session of Parliament (See Recommendation 5 for the process for amending the Canada Elections Act).

**8 REFER QUESTIONS REGARDING ACCESSIBILITY FOR DISABLED VOTERS TO  
STANDING COMMITTEE**

That the question of accessibility to polling stations, voting booths, and the offices of Returning Officers and Deputy Returning Officers be referred to the Standing Committee on Privileges and Elections.

**Problems Uncovered:** The office of the Chief Electoral Officer made a submission, and then sent representatives to appear before the Committee at a public hearing. While the submission did not indicate that there were any problems of accessibility regarding disabled voters, the subsequent testimony at the hearing clearly revealed that such problems do exist.

**Manitoba Example:** In Manitoba, the Elections Act has been amended to help provide accessibility to disabled voters. In the first instance, the returning officer is instructed to "locate polling places in premises to which the voters have access from the street without going up or down stairs".

**Temporary Change:** The Manitoba Elections Act also states that in the case of a disabled person who cannot enter the existing polling place without difficulty, the returning officer should remove the ballot box, along with all ballots and documents in the polling place, and take it to a place in close proximity where it is accessible to the person, such as an automobile outside the polling station.

**Standing Committee:** The Special Committee cites this Manitoba experience as a possible model for federal legislation. In the meantime, it recommends that all questions related to accessibility should be referred to the Standing Committee on Privileges and Elections.

**1982: UNDER CONSIDERATION**

**Prohibit:** The Chief Electoral Officer intends to make recommendations to the Speaker of the House of Commons on changes to the Canada Elections Act

to facilitate voting by disabled persons, particularly to prohibit the use of private homes as returning offices, since these facilities are usually inaccessible to disabled persons.

**Bill C-237:** The Standing Committee on Privileges and Elections considered voting facilities for the handicapped when it studied the subject matter of Bill C-237 in 1981. In its report on June 30, 1981, the Committee made the following recommendation:

"...that the Government consider extending proxy voting privileges to accommodate more of those who are not able to vote on election day. In particular, your Committee feels that consideration should be given to an amendment which would stipulate that a proxy voter need not live in the same electoral district. This recommendation is of special importance to disabled and handicapped persons. In addition, it is recommended that the Government consider that the validating of proxy certificates be provided at more convenient locations for longer periods of time in large rural constituencies. Your Committee also recommends that the Government consider eliminating the requirement of a registrant's statement for students or doctor's certificate for all persons who are ill."

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**9 AMEND ELECTIONS ACT TO REDUCE DISQUALIFICATIONS BECAUSE OF "MENTAL DISEASE"**

That the Federal Government amend the Canada Elections Act to reduce the number of people disqualified from voting by reason of "mental disease", by providing clear criteria for determining the specific cases where exclusion from the democratic process is absolutely justified.

**Cannot Vote:** At the present time, some Canadian citizens are denied their rights to vote in Federal elections because of a prohibition under Section 14(4) of the Canada Elections Act, which states that "every person who is restrained of his liberty of movement or deprived of the management

of his property by reason of mental disease" does not have the right to vote. Some of these individuals are residents of psychiatric institutions or "homes of special care" and there is a great deal of confusion, and difference of opinion, regarding their democratic rights.

**No Distinction Made:** This confusion is a natural consequence of the general wording of the Act. What is "mental disease"? The Act does not elaborate. There are no distinctions made between different kinds of psychiatric facilities, and no distinctions made between the different situations and conditions of the persons who reside in them. For example, Section 14(4) does not distinguish between a person who is a resident on a voluntary basis from another person who entered the facility involuntarily. Nor does it make any provisions for those persons who are preparing to return to a normal life in the community.

**Show Good Cause:** The right to vote is basic to the democratic fabric of Canada. The onus should be placed on showing why someone should not be allowed to exercise the right. The present wording of Section 14(4) is not adequate. It is, therefore, important to review this section of the Canada Elections Act and amend the wording so that the number of disqualifications because of "mental disease" are reduced. Clear criteria should be established for determining cases where exclusion from the democratic process is deemed absolutely necessary.

**Not Uniform:** The office of the Chief Electoral Officer has a policy to the effect that no one is deprived of the vote unless he or she is restrained under a court order. However, the law could be interpreted in other ways, and the policy itself has not been uniformly enforced across Canada.

#### 1982: UNDER CONSIDERATION

**Beyond Mandate:** The Chief Electoral Officer said that he cannot make such a recommendation because it is beyond his mandate, but he will point it out to the Speaker of the House of Commons. He added that this is "the most difficult recommendation to implement".



**Reassessed:** The Canadian Mental Health Association feels that this disqualification should be reassessed, and specifically recommends:

- . Hospitalization of any nature for psychiatric treatment or custodial care should not per se disqualify an individual from exercising his or her franchise.
- . A decision, order or judgement having the effect of placing the estate of an individual under the control of a guardian, trustee, or committee, should not per se disqualify that individual from exercising his or her franchise.
- . The existence of a mental disorder should not preclude an individual from voting if he is otherwise qualified and can satisfy the election officials of the same by compliance with any formal procedures that, by law, may be required.

**Amendment:** See Recommendation 5 for a description of the process to amend the Canada Elections Act.

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## 10 DEVELOP APPROPRIATE LEGAL TERMS RELATED TO MENTAL DISABILITY

That the Federal Government direct the Department of Justice to consult with medical authorities to develop appropriate legal terminology relating to mental disability for use in legislation.

**Offensive Terms:** Federal statutes--such as the Criminal Code, the Land Titles Act, and the National Defence Act--presently employ the terms "idiot", "imbecile", "lunatic" and "feeble-minded" to describe various types of mental disability. These are deemed by some people to be offensive, inaccurate and antiquated--and serve mainly to reinforce discriminatory attitudes and practices toward mentally disabled people in

all areas of society. These terms should be replaced by currently used terminology which is related to modern psychiatric practice.

**1982: COMMITTED**

**Pejorative Terms:** The Minister has stated that the Department of Justice is committed to removing pejorative terms and expressions relating to mentally disabled persons, from federal legislation. The Department will study the situation and will consult with organizations representing the interests of mentally disabled persons.

**Appropriate Steps:** After study and consultation, the Minister has agreed to take the appropriate steps to ensure that the necessary amendments are considered under a miscellaneous statute law amendment act. A preliminary search of the legislation using such terminology as "imbecile", "idiot" or "feeble-minded" indicates that 47 statutes require revision.

**Archaic:** The Canadian Mental Health Association strongly believes that some of the archaic terminology still in use should be replaced. It strongly supports the principle of consultation in the process of changing the terminology.

**Determination:** The Committee applauds the Minister of Justice on his initiative to locate such offensive terminology and his determination to remove such terms from federal statutes.

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**11 CHANGE THE CRIMINAL CODE PROVISIONS ON "INSANITY" AND "FITNESS TO STAND TRIAL"**

That the Federal Government, through the Department of Justice, and in consultation with provincial health authorities, reform the Criminal Code provisions relating to mentally disabled persons, in order to:

- . Develop and implement a new procedure to replace the Lieutenant-Governor's Warrant, and provide special facilities and treatment of the mentally disabled who are sentenced by the courts;
- . Define the rights before the law of mentally retarded and mentally ill persons;
- . Establish fair and appropriate procedures for all stages of the criminal process when mentally disabled accused are involved; that is, arrest, bail, fitness to stand trial, the finding of criminal responsibility, and disposition.

**Deep Trouble:** A mentally disabled person who has the misfortune to be the accused within the criminal justice system of Canada is virtually denied the legal protection and the due process of law which applies to other Canadian citizens.

**Indefinite Confinement:** For example, a mentally retarded person may be declared unfit to stand trial and be held indefinitely "at the pleasure of the Lieutenant-Governor" without ever being tried for the crime. By the same token, the present system of confinement under one of those "Lieutenant-Governor's Warrants" does not provide clearly for treatment of the disabled person. On top of these shortcomings, the practice of review boards dealing with the cases of confined persons varies from one province to another.

**Law Reform Commission:** In 1976, the Law Reform Commission of Canada studied these problems, and recommended that mentally disabled persons, in particular, be returned to the legal system. They should stand trial with lawyers and advocates to protect their interests. If found not guilty, they should be released. If found guilty, then the mental health of the individual would be taken into consideration when determining the penalty. Over the years, other proposals for reform have been made, sometimes conflicting with each other. The time has now come to reach a consensus in this matter, and to take action as soon as possible.

## 1982: UNDER CONSIDERATION

**Long Periods:** Recently there has been considerable publicity about cases where mentally disabled persons have been declared "unfit to stand trial" and have been held for long periods of time under Lieutenant-Governor's Warrant. The celebrated case of Emerson Bonnar is an example:

"Bonnar was 19 in 1964 when he was involved in an alleged purse-snatching incident. Judged unfit to stand trial because he was mentally retarded, he was sent to a mental hospital under a legal mechanism called a Lieutenant-Governor's Warrant. Such warrants have no set duration and last "at the pleasure of the Lieutenant-Governor".

In Bonnar's case, it was last spring (1980) before public attention led to a new "loosened" warrant and more rehabilitative treatment. And then, in the fall, the board that periodically reviews such cases recommended lifting the warrant entirely, setting the stage for Robichaud's dramatic stroke of the pen last week.

New Brunswick Lieutenant-Governor Hedard Robichaud signed an order lifting the warrant under which Bonnar had been held and so set in motion a process that should eventually see the 35-year-old man returned permanently to Fredericton from the hospital in Campbellton, N.B." (MacLean's, January 19, 1981)

**Project:** Concerns about "insanity" and "fitness to stand trial" are being addressed in the mental disorder project begun in 1977 by the Department of Justice. The Department plans to prepare a discussion paper on this subject to be released this year.

**Disquieting:** The Canadian Mental Health Association has stated that the existing law and practice on the issue of "fitness to stand trial" is disquieting and has advocated several amendments outlined in its publication The Law and Mental Disorder. The Canadian Co-ordinating Council on Deafness feels this is of "critical" importance because of cases



where deaf persons have been declared unfit to stand trial by psychiatrists with no experience in deafness or the means to communicate with deaf persons.

**Necessary Steps:** The Committee urges the Department to complete the discussion paper as quickly as possible, and upon completion to take the necessary steps to initiate legislative changes.

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**12 REVIEW THE OPERATION OF LIEUTENANT-GOVERNOR'S WARRANTS: THE INDEFINITE DETENTION OF MENTALLY DISABLED PERSONS**

That, pending the replacement of the present legal system of Lieutenant-Governor's Warrants, the Federal Government request the Minister of Justice to meet with provincial authorities in order to review the operation of the warrants, with particular reference to:

- . The functioning of review boards, particularly where cases of mentally retarded persons are being considered;
- . The individual cases of persons presently being held in indefinite detention under Lieutenant-Governor's Warrants.

**834 Persons:** As of April 1980, there were 834 persons in Canada being detained indefinitely in psychiatric facilities--or under strick supervision--because they have been deemed "criminally insane". This means that they are either "unfit to stand trial" or have been found to be legally "insane". For some, this detention has already extended over many years. All of these individuals are being detained under Lieutenant-Governor's Warrants--which means that the person will stay in the psychiatric facility for as long as the particular provincial government desires.

**Only One Way Out :** The only way out of the institution for these people is through the recommendation of a government-appointed review board of doctors and lawyers. At present, the composition and the influence of these boards does not favour the detained person, especially if the person is considered mentally retarded. The latter should be assessed by specialists in the field of mental retardation, in addition to psychiatrists and lawyers. This review board has the power only to make recommendations, not to order the release of an individual. It must state that he or she has recovered from the mental disability, and can be released. But even with this statement, the provincial government can reject the recommendation and refuse to rescind the warrant.

**No Obligations:** Under the Lieutenant-Governor's Warrants, the particular provincial government is under no obligation to provide any form of treatment to the detained person. This further lack of protection means that the person has no guarantee of being able to give evidence to the review board that he or she has recovered.

**Immediate Explanation:** Regarding the 834 individuals who are now being detained, the Committee recommends that an immediate examination be made of why a warrant continues to be used in each person's case, instead of the "due process of law".

#### 1982: COMMITTED

**Attention:** The case of Emerson Bonnar described in Recommendation 11 aptly describes why this recommendation is of such importance. The Department of Justice shares these concerns and has given considerable attention to this subject in the mental disorder project of the Department that commenced in 1977. The Department has had extensive consultation on the subject and plans to release a discussion paper this year.

**Varies:** The Canadian Mental Health Association found that detention review and release of persons held under these warrants varies from jurisdiction to jurisdiction. It recommends changes to existing practices as outlined

in its report, The Law and Mental Disorder. The Canadian Co-ordinating Council on Deafness is particularly concerned because a number of deaf persons (in British Columbia and Newfoundland) have been held under these warrants.

**Badly Neglected:** The Committee is pleased that the Department of Justice is focusing on this badly neglected area and urges the Department to work quickly to resolve the problems identified in the discussion paper.

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### 13 ENCOURAGE PROVINCES TO KEEP MENTAL HEALTH ACTS UP TO DATE

That the Federal Government encourage the provinces to review their mental health acts at regular intervals with input from the public in order to reflect current thinking regarding rights of and treatment for mentally/emotionally disabled persons.

**Limited Protection:** The Federal Government is very limited in its ability to protect the rights of people who are being treated for emotional/mental disabilities. The treatment of these persons falls entirely under the regulations of provincial legislation, over which the Federal Government has no jurisdiction. Some provinces are more forward-thinking in their mental health legislation than others. For example: There are significant differences in the time period that a person can be involuntarily detained from one province to another.

**Only Way:** The only way that the Federal Government can promote uniform and fair treatment for Canadians with emotional/mental disabilities--especially those who are institutionalized--is by encouraging the provinces to review their legislation at regular intervals. The respective acts should constantly be up-dated to reflect current national thinking about the rights and treatment of individuals. The Committee recommends that Federal Government officials who consult with the provinces on matters of mental health give a high priority to this review process.

**1982: IMPLEMENTED**

**Ongoing Review:** The Department of National Health and Welfare will participate in an ongoing review of provincial mental health legislation. The standing semi-annual meeting of provincial mental health directors will be used as a vehicle to undertake this commitment. The provinces have all agreed to supply relevant information.

**All Provinces:** In April 1981, the Department of National Health and Welfare, with special co-operation from Alberta, published Abstracts From Provincial Mental Health Legislation. This document incorporates information from all the provinces, some of which are currently reviewing and amending existing legislation.

**Continued Focus:** The Special Committee commends all parties for their attention to the issue of rights and treatment for mentally and emotionally disabled persons. The Committee emphasizes the need to focus continued attention on provincial mental health legislation in an effort to incorporate national views on rights and treatment of individuals.

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**14 ENCOURAGE PROVINCES TO INCLUDE EDUCATION AS A BASIC HUMAN RIGHT**

That the Federal Government encourage all provinces to include in their human rights legislation the right to an education that ensures disabled children the opportunity to reach and exercise their full potential.

**Serious Inequity:** Throughout its hearings, the Committee received evidence that disabled children, especially those with learning disabilities, do not have equal opportunity to education. While provinces have total responsibility for matters of education, the Committee believes the Federal Government can exercise leadership in pointing out the scope and seriousness of an inequity that exists in many parts of Canada.



**No Privilege:** Canadians no longer see the education of children as a privilege to be reserved only for those who can afford it. It is universally agreed that education is a basic right to which all Canadians are entitled, including disabled children. In the United States, this basic right is specified and protected by the Rehabilitation Act and by the Education for all Handicapped Children Act. In Canada, the provinces of Quebec and Saskatchewan have already enacted this fundamental right. Canadian citizens in **every** province deserve this same protection for their children.

**Human Rights:** The Committee, recognizing again that this is entirely a provincial responsibility, nevertheless, recommends that the Federal Government encourage all provinces to make the right to an education part of their human rights legislation.

#### **1982: IMPLEMENTED**

**Future Discussion:** The Department of the Secretary of State brought this recommendation to the attention of members of the Continuing Federal-Provincial Committee of Officials responsible for Human Rights at its November 19, 1981, meeting. The provinces are reviewing the issue for future discussion. This recommendation will also be brought to the attention of the Council of Ministers of Education. The Government of Ontario passed Bill 82, which ensures every exceptional child will receive education appropriate to his or her needs. This legislation is part of the Education Act, and is not human rights legislation.

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#### **15 IMPROVE ACCESS TO LEGAL SYSTEM FOR DISABLED PERSONS**

That the Federal Government, through the Department of Justice, in consultation with disabled consumer groups and provincial governments, develop plans and take effective steps to improve disabled persons' access to the legal system.

**Judicial Barriers:** The daily routines of legal systems throughout Canada tend to ignore the special needs of disabled persons. For example, lawyers' offices, legal aid offices, and courtroom facilities are frequently inaccessible to persons in wheelchairs. Persons with visual and hearing disabilities have difficulty obtaining legal information in an understandable form. There is a lack of written information in braille, in large print, and on cassette. There are no translations of proceedings into sign language. Easy access to the legal system is a basic right of all Canadians. At present, there are over one million disabled Canadians who would encounter difficulty in using the facilities and services of the legal system. The obstacles they face must be removed.

**Preliminary:** The Department of Justice has undertaken a preliminary study to solve these problems. These efforts should be given a high priority by the Department to ensure quick progress, and should include direct consultation with disabled persons and their organizations.

#### 1982: UNDER CONSIDERATION

**\$28,000 Funding:** In 1981, the Department of Justice provided funds (\$28,000) to the Advocacy Resource Centre for the Handicapped in Toronto to host a National Conference on Legal Services for the Handicapped.

**Undertaking:** The Department of Justice is currently seeking funding to undertake the following:

- **Material:** The development of materials advising disabled persons on how to use the law in order to deal with disability-related access problems.
- **Demonstration:** The development of demonstration projects to improve the delivery of legal services to disabled persons and to heighten the sensitivity of the legal community to the needs of disabled persons.

- . **Advice:** The provision of advice to other departments and agencies which exercise a judicial or quasi-judicial function on access to their services.

**Particular Support:** The recommendation received particular support from the deaf community which, in the past, has experienced considerable difficulty in dealing with legal services.

**Immense Difficulties:** During the regional hearings, the Committee heard a story about the immense difficulties encountered by one person when he came into contact with the legal system, including being held overnight in jail because no one was able to communicate with him. The Committee applauds the Minister of Justice for funding such a worthwhile conference as the National Conference on Legal Services. The Committee is also pleased to see that the Minister considers this recommendation of such importance that he is seeking funding to carry out activities in this area.

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#### 16 MAKE HUMAN RIGHTS COMPLAINTS AND COURT ACTIONS ELIGIBLE FOR LEGAL AID

That the existing federal-provincial cost-sharing agreements for legal aid be expanded to include legitimate proceedings related to the Canadian Human Rights Act, brought before federal tribunals and courts.

**No Money:** This extended eligibility for legal aid will help all low-income complainants, but especially those who are disabled. It is difficult, if not impossible, for many disabled persons to pursue justifiable actions under the Canadian Human Rights Act, because they have no money to pay for legal assistance.

**Cost-Sharing Precedent:** At present, legal aid is provided in appropriate criminal cases throughout Canada.

The Federal Government shares costs with the provinces because the cases come under the Criminal Code. The Canadian Human Rights Act, as a federal statute, the Act shouldn't be eligible for legal aid funding under this same cost-sharing agreement.

**Regulatory Bodies Also:** Complaints and court actions related to the Canadian Human Rights Act would also include cases before regulatory bodies such as the Canadian Radio-Television and Telecommunications Commission (CRTC), and the Canadian Transport Commission (CTC).

#### 1982: UNDER CONSIDERATION

**Aid is Needed:** The Canadian Human Rights Commission (CHRC) takes responsibility for the carriage of cases before human rights tribunals, and some court cases, and it will further publicize this fact. CHRC notes there are cases where legal aid is needed.

**Under Advisement:** The Justice Department will take the recommendation under advisement in its consideration of the general question of civil legal aid funding in areas of federal concern. The situation regarding legal aid is unchanged, that is, many cases are covered by the Canadian Human Rights Commission taking carriage of the case, and, therefore, there are no legal costs. In cases before other tribunals, however, or where a complainant disagrees with the Commission, legal aid may or may not be available and the Department of Justice has taken this issue "under advisement". There appears to be some danger of the interests of disabled consumers and groups being forgotten in such a broad study, and thus, continued lobbying is needed on this issue.

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**17 PROVIDE MINIMUM WAGE GUARANTEE FOR DISABLED PERSONS EMPLOYED UNDER FEDERAL JURISDICTION**

That the Federal Government phase in a system whereby disabled persons, employed in sheltered work settings or elsewhere, under federal jurisdiction, will be entitled to receive at least minimum wage under the Canada Labour Code.

That the provinces be encouraged to introduce similar measures, following the lead of Quebec.

That in all cases there be close co-ordination to ensure appropriate placement of persons either in sheltered work settings, or in adult activity centres (which are not subject to minimum wage requirements).

**Same Protection:** Under federal law--and in all provinces except Quebec--disabled persons in some circumstances can be paid less than the minimum wage. The Committee feels that this practice should be phased out in all work settings that are under federal jurisdiction. This applies especially to "sheltered work settings" where products and services are sold competitively on the open market. The possibility of paying lower wages can be an open invitation to exploitation or a cover for bad employment practices. It is discriminatory; disabled persons in such circumstances have the same right to protection under the Canada Labour Code as non-disabled persons.

**Distinction:** Sheltered work settings must be distinguished from "adult activity centres", which provide activities and skill training for those unable to function in a work setting. In these centres, disabled persons are frequently paid an allowance, or a small incentive, for attendance.

**Sensible Phase-in:** It is very important that the attainment of this legal right not be gained at the price of people losing their present jobs, or activities. A transition period will be required in which careful attention is paid to the skills of the people concerned, and how they can be best employed.

**Note:** See also Recommendation 37.

## **1982: COMMITTED**

**Little Used:** The Minister of Labour has indicated that he will be tabling amendments to the Canada Labour Code in the next Session of Parliament. Included in those amendments is the repeal of Section 37(1) and (2). These sections are a little used part of the Code. In the period of 1965 to 1975 there have been only three requests for permits to pay below the minimum wage.

**Dumping People:** The Canadian Association for the Mentally Retarded supports this recommendation but is concerned about the possibility of "dumping people into adult activity centres" because the funds are there. The Canadian Council of Rehabilitation Workshops, however, stressed the need to recognize a continuum of sheltered work sittings, not just two types.

**Provinces Also:** The Committee is pleased that the Minister of Labour has announced his intention to implement this recommendation. The Committee continues to encourage the provinces to do likewise.

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## **18 MONITOR ADULT OCCUPATIONAL CENTRES**

That, as a condition of cost-sharing under the Canada Assistance Plan, the Federal Government require each province, where it has not already done so, to establish a review mechanism for Adult Occupational Activity Centres which provide daytime activities, not subject to a minimum wage requirement, for those individuals who cannot function in a sheltered work setting.

**Protection:** "Adult occupational activity centres" are designed to provide stimulation and occupational therapy for individuals who are incapable of gainful employment. There have been serious complaints in testimony presented to the Committee that some centres are not providing quality services to disabled persons. The Federal Government helps to fund these centres through the Canada Assistance Plan. All future funding should now be made contingent upon the provinces establishing mechanisms to monitor the quality of life in these centres.

**Note:** Persons who are dislocated by the implementation of minimum wage must be guaranteed the opportunity to participate in activity centres.

#### 1982: NOT IMPLEMENTED

**No Power:** Under current legislation, the Department of National Health and Welfare cannot impose the review mechanism on the provinces as a condition of cost-sharing with them. The Department replied to this recommendation by saying "if useful, Health and Welfare will host a national meeting on Adult Occupational Centre standards and procedures, with both the provinces and non-governmental sector in attendance".

**No Plans:** The Special Committee questioned the representatives of the Department about the date of such a conference and learned that no specific plans had been made to undertake it. The Committee welcomes the offer made by the Minister on March 19, 1982, to host such a meeting, and reaffirms its support for such a gathering as a first step in the eventual implementation of this recommendation.

In the Federal-Provincial discussions on future legislation to replace the Canada Assistance Plan, the Committee strongly urges the Federal Government to push for the inclusion of a review mechanism for Adult Occupational Activity Centres as a condition of federal funding.

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## **EMPLOYMENT**

### **19 EXPAND AFFIRMATIVE ACTION EMPLOYMENT PROGRAMS FOR DISABLED PERSONS IN THE FEDERAL GOVERNMENT**

That the Federal Government require all departments, agencies and crown corporations to expand or implement Affirmative Action Employment Programs to include:

- . Special orientation, recruiting, training and job advancement plans for disabled persons;
- . A timetable for implementation;
- . Ongoing review and updating of the programs;
- . Regular reporting to an Affirmative Action Compliance Board charged with the initial approval of the programs;
- . Annual public reports.

**Unacceptably High:** The rate of unemployment for employable disabled Canadians is extraordinarily, and unacceptably high. The precise figure is difficult to determine, but a former Minister of National Health and Welfare, the Honourable Marc Lalonde, estimated this figure to be approximately 50%. A recent publication of National Health and Welfare stated that the figure was 80%. And COPOH, the Coalition of Provincial Organizations of the Handicapped, suggests that it may range as high as 90%. Whatever the exact figure, there is no doubt that the rate of unemployment for disabled persons is much higher than for the Canadian population as a whole.

**Highest Priority:** The solutions to many other problems faced by disabled persons can only be achieved when more jobs are provided. The Federal Government must make this the highest priority of all policies and programs for disabled persons, and take whatever action is needed to begin removing the obstacles which prevent employment.



**Other Countries:** Many European countries and the United States have established successful programs to solve this problem. The United Kingdom has established a quota system, in West Germany there is a penalty system, and in the U.S. an Affirmative Action Program was established under the Rehabilitation Act of 1973. The Members of the Committee feel that the latter program--affirmative action--would work best in Canada, and efforts have already been made to establish a program within the Federal Government.

**Existing Efforts Limited:** In Canada during the summer of 1980, the Canada Employment and Immigration Commission (CEIC) began to develop and implement an Affirmative Action Program within the Federal Government. While the Program is well organized and making progress, it has two major limitations:

- **Only Three Departments:** The Program has been undertaken by only three Federal Departments: Employment and Immigration, the Secretary of State and Treasury Board.
- **Only Three Groups:** The Program is directed toward the employment of only three specific groups: women, native persons, and individuals with a physical disability. Persons with any form of mental disability have been excluded.

**Expand Program:** The Committee, based on testimony received in its hearings across Canada, now recommends that this Program be expanded to include all departments, agencies and crown corporations, and that the Program be expanded to include persons with mental disabilities.

**Counteract Discrimination:** "Mental Disability" is a very broad term which says nothing about a particular person's ability to do a particular job. In the past, the term has been used as a discriminatory practice to eliminate an individual automatically from employment consideration. Special efforts must now be made to counteract the effects of this discrimination. The expanded affirmative action program will enable

persons with a history of mental disability to be considered for employment on the basis of their ability to do a particular job.

**Note:** See also Recommendation 27.

#### **1982: NOT IMPLEMENTED**

**Formal Policy :** In March 1981, Treasury Board issued a formal policy relating to the increased participation of physically handicapped and mentally handicapped (mentally retarded only) persons in the public service. This policy covers a variety of measures, including the designation of a person to oversee activities, the purchase of technical aids, and accessibility to buildings.

**Limited Progress:** The progress, following the issue of this policy, has been limited, largely because of the Government's desire to wait until pilot projects have been completed in August 1983, and an assessment has been made of appropriate procedures. Three departments are currently in this three-year pilot project, and the response, so far, has been favourable.

**More Aware:** The Minister of Employment and Immigration feels that "we are making substantial progress" within the pilot project. The President of Treasury Board said that current programs have made managers and target groups "more aware of the increased participation of the persons helped, in the Public Service". The Minister of Supply and Services said, "I heartily support" this project.

**Not Needed:** On the other hand, the Public Service Commission has stated that the intent of the recommendation can be implemented within the existing framework of legislation and affirmative action programs are not needed. Generally speaking, the Government response to this recommendation has been guarded, as can be seen in the following statement, "disabled persons in the Federal Government will be included in any public service-wide program if results from the initial project are conclusive".

**Little Commitment:** The Special Committee feels that the decision to issue a policy statement is laudable and that the pilot project will probably iron out difficulties in administering this program. But these actions in themselves do not indicate any real commitment on the part of the Government to expand affirmative action.

The Committee, therefore, reiterates its original recommendation and requests that commitment on the part of the Government to move forward now take place, even while the pilot projects are being conducted. Within this commitment, there should also be provision for expanded inclusion of persons with mental disability (mental illness), where this condition is stabilized through medication.

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**20    INCLUDE AFFIRMATIVE ACTION PROGRESS CRITERION FOR EVALUATING  
GOVERNMENT MANAGERS**

That progress in the implementation of the Affirmative Action Programs be made part of the criteria of ongoing evaluation of senior management, including deputy heads, in all departments, agencies and crown corporations of the Federal Government.

**Management Muscle:** The success of the Affirmative Action Programs in every organization of the Federal Government will depend directly upon the active support it receives from senior management within that organization. If they do not promote affirmative action, then it will surely fail. These senior managers, therefore, must come to view the implementation of this program as an important objective. For this to happen, each manager's efforts toward the success of the program must become part of the criteria by which his or her overall job performance is regularly evaluated. This is the only way to put muscle into the Program as an effective, day-to-day reality within each organization.

**Evaluating Success:** To be fair to these managers, they must have a yardstick by which to measure their efforts. The Canada Employment and Immigration Commission has been using the following criteria:

- . **Department Profile:** The Program is initiated by studying the personnel profile of each individual department.
- . **Comparisons:** The profiles of all departments are compared with each other. Each is then compared with the profile of the general public.
- . **Ultimate Aim:** The ultimate aim is to have the composition of each department reflect, to the greatest extent possible, the profile of the general public.
- . **Profile Improvement:** There is a problem in determining the numbers of disabled persons in Canada. At this time, the CEIC is using gross estimates. This situation will improve as more and better data becomes available.

#### 1982: NOT IMPLEMENTED

**Not Completed:** This recommendation is related to number 19. The Treasury Board statement of March 1981, includes a section on accountability of management to show progress in implementing Affirmative Action Programs. A review of actions of this policy will commence with 1981-82 activities, and reports are not yet completed.

**Integral Part:** The President of Treasury Board, in response to this recommendation, has stated that "accountability is a key feature of our program". However, progress in other departments has not yet been evaluated, even though early indications are that the results will be positive. The Public Service Commission feels that the application of human resource policies is an integral part of managerial evaluation, and that disabled employment programs should not be isolated from the global evaluation of human resource utilization.



**Decision Needed:** The Committee feels that while these actions and statements indicate a willingness on the Government's part to consider the recommendation, they do not constitute a clear decision to implement it. Again, the Committee has been told that no decision will be made until after the completion of the pilot project (#19) in August 1983. The Committee reiterates its support for a quick implementation of this recommendation.

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## 21 BROADEN DEFINITION OF "HANDICAP" IN SPECIAL HIRING PRACTICES

- A) That the Federal Government, in its special hiring practices for the disabled, broaden the definition of "handicap" to include persons who have had a mental disability, or who have a learning disability.
- B) That the Federal Government either broaden the mandate of an existing organization--the Advisory Committee to the President of the Treasury Board on the Employment of the Handicapped--to include representation of persons with mental disabilities, or create a new advisory committee to advise the Federal Government about the needs of persons with mental disabilities.

**Present Exclusions:** In its present special hiring practices, the Federal Government excludes those individuals who have had any form of mental illness, or who have learning disabilities that require special consideration. These exclusions mean that many Canadian citizens cannot take advantage of a broad range of programs which have been specifically designed to increase the employment opportunities of disabled persons. Some progress has been made for mentally retarded persons, but nothing has been done for those who have a past mental/emotional disability, or who have a learning disability.

**1982: (A) NOT IMPLEMENTED**

**Pilot Project:** As a result of the meeting on June 11, 1981, the Public Service Commission (PSC) has planned, in consultation with organizations representing the mentally ill, a pilot project "which would provide co-ordinator services to psychiatrically disabled persons seeking employment in the Public Service in the National Capital Region". The terms of reference were drawn up for this project and discussed at a meeting on November 23, 1981, with implementation planned for early 1982.

**Not Quickly:** PSC has not moved quickly on this pilot project, and the Committee is concerned about the level of commitment to this project. For example, PSC initially wanted the co-ordinator to work on a volunteer basis, in representing the coalition of community agencies. The lack of clear progress indicates to the Committee that PSC and senior civil servants responsible for personnel matters are having great difficulties in coming to grips with this situation.

**Fear:** The major impediment appears to be the fear on the part of managers that they will be obliged to hire people with a variety of mental or psychiatric disabilities who might pose the threat of disruptive behaviour and/or related loss of productivity in the workplace.

**Special Practices:** The Committee, on the basis of presentations by the Causeway Coalition, the Canadian Mental Health Association and other interested groups, believes that it is possible to identify and support through special hiring practices a significant number of psychiatrically disabled persons who are "job-ready" and who can be accommodated relatively easily in the workplace. Examples of "job ready" would be the following:

- . A person who, due to psychiatric illness, was unable to return to the job market at his present level of functioning as a librarian, but could go on to a less stressful clerical support function in the library.

- . A community development worker who was hospitalized due to a manic-depressive illness, but has been able to return to his job and cope extremely well through the use of appropriate medication which controls his illness.
- . A receptionist with a national voluntary agency who has a chronic schizophrenic illness, but was able, through the use of appropriate medication and with supportive counselling in vocational rehabilitation programs to complete a training assignment with the agency and win a full-time job there at which she continues to do well.

**Visit:** The Committee recommends that the representatives of PSC and senior civil servants responsible for implementation of the pilot project, in order to further their understanding of the situation of psychiatrically disabled individuals and their potential for employment, visit the Causeway Work Centre. This Centre is a vocational rehabilitation facility for the psychiatrically disabled, operated under a Board of Directors which is chaired by a former Deputy Minister of Industry, Trade and Commerce. The Chairman of the Special Committee found such a visit to be an enlightening experience.

**Despite Difficulties:** The Committee is convinced that, despite the perceived difficulties, that workable definitions can be found for accommodating these disabled individuals in the workplace and urges all parties involved in the pilot project to proceed quickly so that special hiring practices can be implemented within the Federal Government.

#### **1982: (B) NOT IMPLEMENTED**

**No Action:** Despite the acknowledged importance of and the need for a special advisory committee on employment of psychiatrically disabled persons, no action has been taken to establish such a group. It should be noted again that the present Advisory Committee to the President of the Treasury Board does include representation of the mentally retarded.

**Remove Barriers:** The present advisory body notwithstanding, another committee is needed not only to advise the Federal Government about the needs of persons with psychiatric disabilities, but also to identify and remove both attitudinal barriers and systemic barriers, whether explicit or implicit, in the personnel programs and policies of PSC and Treasury Board.

**No Organization:** The Committee recognizes that no national organization or network of organizations of psychiatrically disabled persons exists and that this may also pose a problem in establishing a special advisory committee.

**Department of Transport:** However, the Committee is also aware that one Federal Government department, Transport, has been able to involve representatives of and for the psychiatrically disabled on one of its advisory committees and that Causeway Coalition, mentioned above, has been organized specifically as a result of the OBSTACLES report, to respond to initiatives regarding employment of the psychiatrically disabled. The Coalition could serve as the nucleus for development of an appropriate special advisory committee.

**No Consensus:** While the need for representation of this group has been acknowledged, there is no consensus on the structure. The present Treasury Board Advisory Committee favours a separate advisory committee on employment of mentally handicapped persons so that the current one would not become too cumbersome. A separate committee is also favoured by the Canadian Mental Health Association "because we have a set of problems that are somewhat different to the stage of problems that other handicapped people are at". However, the Canadian Association for the Mentally Retarded favours expansion of the existing committee to include representation of persons with mental disabilities. The Association is concerned about the competition for scarce resources if there are two committees.

**Expedite:** The Committee reiterates its support for a structure to represent the needs of the mentally and psychiatrically disabled and urges



Treasury Board and PSC to involve available resources such as those named above to expedite the formation of such a committee.

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## 22 SUPPORT AFFIRMATIVE ACTION PROGRAMS BY PROVIDING TECHNICAL AIDS AND EXPERTISE

That, in addition to making the workplace accessible, the Federal Government undertake specific measures to support the development and implementation of Affirmative Action Programs in the public sector which would include:

- . The establishment of a small bank of basic aids and devices for use by departments, agencies and crown corporations. This bank should be developed in consultation with disabled persons and their organizations.
- . The provision of technical and professional assistance in the development of Affirmative Action Programs.
- . The provision of intervenor or attendant services when necessary.

**Extra Support Needed:** In some cases, the implementation of an Affirmative Action Program would be of no benefit to a disabled person unless he or she is provided with technical aids, or attendant care. The overall program, therefore, cannot be a realistic effort unless the Federal Government provides the assistance that departments, agencies and crown corporations will need in order to provide employment opportunities for disabled persons. This assistance will include physical aids and devices, as well as professional and technical expertise.

**Some Examples:** In the case of technical aids there are:

- **Magnification:** Closed circuit television units to provide gross magnification of written material for low vision readers--that is, individuals who have considerable vision, but not enough for normal reading. The two commercial units on the market are VISUALTEK and APPOLO. Other persons make use of modifications of their existing television sets.
- **Raised Print:** The OPTACON reader is for totally blind persons. The machine raises print by electronic means, which enables the person to read it by fingertip. This works only for print, since handwriting cannot be deciphered in this way.

**Affirmative Action Expertise:** There are now consultants whose specialty is the implementation of Affirmative Action Programs within an organization. Their expertise would cover such tasks as redesigning job descriptions so that the organization's bona fide occupational requirements are not grounds for discrimination under the Canadian Human Rights Act. (See Recommendation 2).

**"Intervenor" Services:** Intervenor services refer to gestural (sign) interpretation, reader services, or the provision of information on cassettes or in braille for employees who are blind or visually disabled. An "attendant" is a trained person who would assist a disabled person on a regular, but limited, basis in such activities as eating, or personal hygiene. All of these services would be made available within reason, and when other measures are either unavailable or inappropriate.

#### **1982: IMPLEMENTED**

**No Other Access :** The President of Treasury Board told the Special Committee that 39 departments, agencies and crown corporations have agreed to provide technical aids to handicapped employees and successful job applicants who require these aids for work, and who have no other access to such aids.

**Budgets And Supplies:** Most departments are able to pay for these aids out of existing budgets, but smaller departments and agencies can make submissions to Treasury Board for additional funds. The Public Service Commission supplies information to departments regarding sources of information on technical aids, and resource manuals. The Department of Supply and Services is ensuring that an adequate supply mechanism is in place to meet the potential demand from the departments.

**Interpreter:** There has been support for this recommendation by various associations representing disabled persons. The Canadian Co-ordinating Council on Deafness and the Canadian Hearing Society particularly mentioned the need to include "interpreter" services as a technical aid. Treasury Board, in response, reported in a survey of 1980 activities in departments that the provision of technical aids for disabled persons includes both intervenors and interpreters in the category of "technical aids".

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## 23 EXPAND HOME EMPLOYMENT FOR DISABLED PERSONS

- A) That the Federal Government expand to other departments, agencies and crown corporations the current home employment program, operated by the Department of Supply and Services, which provides work at home to disabled persons unable to come to the workplace.
- B) That any individual so employed for 20 hours or more per week be entitled to the same status and benefits available to an employee who works 20 hours or more in the work place.

**Great Hope:** The "home employment" concept offers an opportunity of employment to those disabled persons who are qualified to do a job, but who are unable to travel to work. The Department of Supply and Services has a

program which makes it possible for a number of disabled persons to work from their home. There are a variety of jobs, ranging from clerical/analytical to highly technical, which need not be done on the job site. Without this "home" arrangement, these persons would be unemployed, and would have to receive social assistance benefits.

**Equal Status:** Since these individuals contribute work that is equal in value to that done on the work site, they should receive the same benefits provided to other federal employees. Naturally, deductions would be made from pay in the same manner as for other public employees.

**Aids and Devices:** These work-at-home employees would also be eligible for technical aids and devices proposed under the Affirmative Action Program in Recommendation 20.

#### 1982: (A) IMPLEMENTED

**HOPE Program:** During the past three years, five government departments have had home employment projects. The Department of Supply and Services announced the creation of an additional HOPE program, which stands for Home Opportunities for Productive Employment. This program started in the department's Transportation and Energy Products Centre and initially involved four employees. It is being revised at this time to afford improved part-time employment.

**Proof Readers:** The Canadian General Standards Board plans to employ home-bound disabled persons as proof readers in the production of standards. The Department of the Secretary of State has conducted a feasibility study on the use of translators at home, and the Department will provide financial aid to disabled persons to become translators. Agriculture Canada has home employment programs in its Biological Identification and Cataloguing Project.

The Committee compliments the Department of Supply and Services for its initiative in the area of home employment, and the other departments which have followed its lead. The Committee also encourages more progress in this area on the part of all departments.



1982: (B) NOT IMPLEMENTED

**New Policy:** At a hearing in May 1981, the President of Treasury Board said that a new policy on part-time employment has been designed to provide benefits for part-time employees in proportion to their hours worked. The intention of Treasury Board is to propose an amendment to the Public Service Superannuation Act so that part-time employees will be eligible for a pension. This amendment will be introduced in new legislation on pensions.

**Contract Basis:** Most homebound workers, however, are employed on a contract basis, and are not subject to policies which cover part-time employment. Treasury Board has indicated that its new legislation is not intended to cover contract workers in the home. The implementation of this recommendation, therefore, would require acknowledgement that homebound workers are "part-time" employees, not contract employees.

**Willingness:** The Minister of Supply and Services has expressed a willingness to look into contracts for homebound workers to see if they could be deemed to be employees. The Committee feels that whatever actions are necessary to provide homebound workers with benefits should now be taken. Home employment is important for a small number of disabled persons who are unable to travel to the workplace. There should be no more delays in providing them with the same benefit status as employees in the workplace.

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24 AMEND EMPLOYMENT ACT TO PROTECT FEDERAL EMPLOYEES WHO BECOME DISABLED

That the Federal Government amend the Public Service Employment Act in order to protect federal employees who have a prolonged absence from work because of disabling illness or injury by:

- . Ensuring that such employees are given preferential consideration to return to former or similar employment;
- . Providing for transitional arrangements to facilitate the return of these individuals to the workplace;
- . Ensuring that such persons have full access to all the services and aids provided in the proposed Affirmative Action Program.

**Policy, But No Law:** At the present time, there is some job security protection, but only as a matter of policy. The policy has no legal force, and is subject to interpretation by each department or agency in each individual case. The amendment, when passed, will provide great security for all public employees.

#### 1982: UNDER CONSIDERATION

**Single Rate:** A complete review of the pension policy in respect to leave without pay is underway within the Treasury Board Secretariat. At the present time, under the regulations of the Public Service Superannuation Act, a person who is absent because of disability or illness would contribute only the employee's share of pension contributions, what is called "single rate", the remaining amount of the contributions required is paid by the employer. Payment can be made in a lump sum or in installments.

Other options are being studied as part of the pension review. This will lead to changes in the Public Service Superannuation Act.

**Alter Regulations:** The Public Service Commission supports the aim of the recommendation but feels that legislative change is not the most effective route. The Commission prefers to alter regulations relating to leaves of absence in the Terms and Conditions of Employment Regulations. This "can resolve situations more quickly, produce concrete results much more quickly and much more effectively" through regulation rather than legislation.

**Existing Policy:** Treasury Board and the Public Service Commission feel that the intent of the recommendation is being carried out through the existing policy that requires the appointment of a person in each department or agency to assist persons who become disabled and who cannot return to their previous jobs to obtain new jobs.

**Protection:** The Committee is convinced that public servants who become disabled should have legislative protection. The Committee commends Treasury Board for reviewing the pension policy and urges the early completion of this review so that appropriate legislative changes can be introduced. It urges Treasury Board and the Public Service Commission to make renewed efforts to assist public servants who become disabled to find meaningful employment quickly within the public service.

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## 25 REQUIRE EMPLOYERS UNDER FEDERAL JURISDICTION TO HIRE DISABLED PERSONS

That every employer under federal jurisdiction (as defined under the Canada Labour Code) having 100 or more employees be required to undertake an Affirmative Action Program to facilitate the hiring and promotion of qualified disabled persons.

**Under the Code:** A significant number of private employers come under the regulations of the Canada Labour Code. These are enterprises which are governed by federal regulatory bodies, and include chartered banks, mines, telecommunications companies, and inter-provincial trucking companies. The Committee believes that the Government should take steps to ensure that all employers under the Code with 100 or more employees be required to develop and implement an Affirmative Action Program.

**Assistance:** The programs should be phased in over a number of years. An Affirmative Action Compliance Board would provide employers with experts to assist in developing and implementing the program. The Board would receive

complaints from individuals who feel that action is not being taken within a particular company. After investigation, the Board would pass the complaints on to the Canadian Human Rights Commission.

**Note:** See also Recommendation 27.

**1982: NOT IMPLEMENTED**

**Contract Compliance:** There has been no action by the Government on this recommendation. Basically, it is a variation of contract compliance which is discussed more fully under Recommendation 26.

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**26 NO FEDERAL CONTRACTS FOR PRIVATE FIRMS UNLESS DISABLED PERSONS ARE HIRED**

That the Federal Government establish a policy of contract compliance which will require that government contracts

- . With firms employing 100 persons or more; and
- . Where the value of the contract is \$20,000 (indexed to Consumer Price Index) or more,

must contain a clause in which the contractor agrees to adopt and implement an Affirmative Action Program for disabled persons.

**Compulsory:** This should be a compulsory program for large companies which wish to obtain large government contracts. The program is aimed at larger companies because this is where the majority of job opportunities are found, and where the management and personnel structures can sustain an effective program.



**In Contract:** The program will be established in each case by the terms of the contract. The contractor, as a condition of the contract, would promise to carry out affirmative action. The Affirmative Action Compliance Board would provide guidelines for establishing the program, and whatever expert assistance the employer might need in doing so. The program would not have to be in place before the contract is granted. The Compliance Board would follow up on any complaints, and take necessary action where it is clear that the employer has not fulfilled the terms of the contract.

**Phase-In:** The policy should be phased in over a number of years so that employers can be provided with the guidelines and assistance required to implement an effective program.

**Remedies:** The basis for this program is the spending power of the Federal Government, and the laws governing government contracts with the private sector. Contract remedies, such as holding back part payments, are available to enforce the terms of the contract. The \$20,000 minimum contract should be indexed to the Consumer Price Index. In the United States, the minimum contract figure is \$25,000.

**Note:** See also Recommendation 27.

#### 1982: NOT IMPLEMENTED

**Responses:** There has been no action by the Government to implement this recommendation. The Committee received a variety of responses from Government departments and other organizations.

**Minister of Employment and Immigration:** "Your proposal for contract compliance and basically tougher and more effective rules and regulations on affirmative action are ones that I personally support... We can demonstrate pretty well that the kind of affirmative action methods we are now employing are not particularly onerous for the private sector to accept and in fact may result in enhanced productivity".

**Minister of Supply and Services:** The Minister wants to encourage voluntary affirmative action programs in the same way that the Canadianization program has been undertaken. This program "is not achieved through contractual undertakings, but through persuasion and effective communication in the marketplace". The Minister feels that the cumulative effect of impositions in the procurement process will "create some very negative reaction in the marketplace". He feels, also, that it would interfere with the Canadianization program because it would be easier for multinational firms to comply. There would be fewer bids from Canadian firms.

**The Department of Transport:** The Department supports the recommendation in principle, but is not sure how it can be enforced.

**Canadian Council on Social Development:** "We believe that a system of contract compliance is the most expeditious, efficient way of permanently removing employment obstacles that confront the disabled".

**Ontario Ministry of Transport:** U.S. experience suggests that there are negative repercussions.

**IBM:** The corporation views the recommendation negatively because affirmative action has no direct relationship to the rest of the business transaction. Contract compliance represents a significant burden and increased costs. IBM prefers "reasonable accommodation".

**Canadian Manufacturers Association:** The Association has concerns about the practicality and effectiveness of such a program, for the following reasons:

1. There is uncertainty as to what constitutes affirmative action.
2. There are costs to the firm if the contract is withdrawn because of a failure to comply.
3. It complicates the selection process. There is less flexibility in selecting a successful bidder.

4. Other groups will also demand contract compliance.
5. The costs of modifying facilities will be so high that such companies may not bid on federal contracts.
6. Employers may already have modified employment for employees who become disabled. The contract compliance program may not take this into account.

**Coalition of Provincial Organizations of the Handicapped:** "Contract compliance .... would enable the Government of Canada to effectively influence the hiring practices of the private sector, and thus, reduce the impact of blatant and systemic discrimination against the disabled job-seekers. Such a policy has been used in the United States and in many West European countries and has proven to be reasonably effective".

**Leverage:** In preparing OBSTACLES, the Committee believed that the Federal Government should use whatever leverage it could to increase employment in the private sector. As a large percentage of these private sector businesses fall under provincial jurisdiction, the Committee considered and rejected the quota system, as experience in countries with such systems has shown that employers will simply hire the least disabled person in order to comply. It has also shown that employers will place disabled persons in entry-level or dead-end jobs and that some employers will simply pay the fines and make no effort to hire disabled persons.

**American Route:** The Committee then looked at the American law, namely Sections 503 and 504 of the Rehabilitation Act of 1973 passed under the Nixon administration after having been twice vetoed by the President. Under this law, any contractor doing business with the Federal Government in excess of \$25,000 annually must have an affirmative action program for the handicapped. American businessmen have argued that the low figure results in too much red tape and paperwork. Furthermore, press stories about small contractors with a handful of employees who have experienced difficulties in complying have fueled negative feelings.

**Assess Resources:** The Committee realized there were some shortcomings in the U.S. system and, accordingly, the Committee recommended use of contract compliance only with firms employing 100 or more persons where the value of the contract was \$20,000 (indexed to CPI). While the American law is not a perfect solution, it has resulted in increased employment for disabled persons. Furthermore, a number of federal contractors in the U.S. recognized that the contract compliance program had forced them to assess their human resource system--and the results in new efficiencies were frequently dramatic. Costs were reduced, there was greater movement, and minority employees became more competitive and productive since they were given access to jobs previously barred to them.

**Understands:** The Committee reiterates its support for Recommendation 26. It understands the objections to contract compliance. If the Government would like to suggest alternative ways to encourage employment, these would be welcome. Until then, the Committee reaffirms its support for contract compliance.

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## **27 GIVE AFFIRMATIVE ACTION BOARD POWER NEEDED TO MAKE PROGRAM EFFECTIVE**

That the Federal Government establish an Affirmative Action Compliance Board, or designate an existing agency, to exercise authority in the following areas:

Federal Affirmative Action:

- . Develop guidelines and procedures for implementing and enforcing the affirmative action programs described in Recommendations 19 and 25.
- . Provide consultation and technical assistance to employers carrying out these plans.
- . Approve plans and monitor implementation.



- . Report discriminatory practices to the Canadian Human Rights Commission.

**Contractors Affirmative Action:**

- . Develop guidelines for contract compliance, and provide for exemptions where necessary, as described in Recommendation 26.
- . Provide consultation and technical assistance as required.
- . Receive and investigate complaints, and refer them for action to the agency of government involved in the contract, or the appropriate human rights agency.

**Mandate:** The Affirmative Action Compliance Board would monitor the Program in the public sector, in federally-regulated companies under the Canada Labour Code, and in the private sector. There is no need for a large agency to do this, but rather a small body with the expertise to oversee programs and ensure that they are carried out.

**Expertise/Approval:** The Board should provide Affirmative Action experts to aid employers who need assistance to implement programs. The Board should also approve the plans for Affirmative Action Programs of Federal Government departments, agencies and crown corporations, and in those private firms regulated under the Canada Labour Code. The Board should not undertake prior approval of contractor's plans--but should confine its activities to receiving complaints, to make spot checks, and to follow up with remedies where programs are not being implemented. This is how the system works in the U.S. under the Rehabilitation Act of 1973.

**1982: NOT IMPLEMENTED**

**Monitoring Mechanism:** The concept of contract compliance, as outlined in Recommendation 26 has not been accepted by the Government. Therefore, this recommendation describing a mechanism to monitor compliance has not been

implemented either. The Government response in December 1981 said that the Compliance Board was seen as "inopportune, difficult and costly to implement, if at all feasible".

**No Review:** The Committee disagrees with this assessment and feels that the Government has misunderstood the recommendation. The Board's purpose is not to review all contracts, but to deal with complaints. Contract compliance, if implemented as suggested in Recommendation 26, would exist because of a standard clause written into each contract. No review would be necessary.

**Technical Assistance:** This recommendation also referred to the provision of technical assistance to federal departments, agencies and crown corporations, and to private contractors, about affirmative action programs. The affirmative action office at Canada Employment and Immigration has been fulfilling this function. The critical aspects of this recommendation were the approval of affirmative action plans and the monitoring of their implementation. These actions have not been carried out.

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## **28 USE SECTION 19 OF THE CANADIAN HUMAN RIGHTS ACT TO PREVENT DISCRIMINATORY PRACTICES**

That the Governor in Council pass regulations under Section 19 of the Canadian Human Rights Act, to require non-discrimination terms to be included in all federal contracts, licenses, and grants.

**Cabinet Power:** A law already exists which can provide disabled persons with powerful protection against discriminatory employment practices. Section 19 of the Canadian Human Rights Act gives Cabinet the power to enact regulations which would set out certain required terms to be included in Federal contracts, licences, and grants. However, at this time, this Section has not yet been utilized.

**Prohibited Practices:** The required terms would prohibit contractors, license-holders and recipients of grants from engaging in discriminatory practices described in Sections 5 to 13 of the Act. These include discrimination in access to goods, services, facilities and accommodation customarily available to the public--and also discrimination in employment, hiring practices or union membership.

**Broad Scope:** This legislation covers virtually all contracts, licenses and grants where individuals, groups or corporations receive government money. The application of this Section of the Human Rights Act would complement the contract compliance policy recommended as part of the Affirmative Action Programs for disabled persons. Combined with proposed changes to the Act recommended in this report, the use of Section 13 would reinforce the legal rights of disabled persons.

#### 1982: NOT IMPLEMENTED

**Not Prepared:** The Canadian Human Rights Commission supports this recommendation, but has been advised that the Government is not prepared to pass regulations.

**Under Review:** The Department of Justice replied to the Committee that the entire question of affirmative action and contract compliance is currently under review. The feasibility of enacting the necessary regulations to give effect to Section 19 of the Act will be examined in the course of this review.

**Regrets:** The Committee regrets that this recommendation has not been implemented and reaffirms its support for contract compliance and related recommendations such as 28.

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**29 ESTABLISH SENIOR ADVISORS TO MINISTER OF EMPLOYMENT ON NEEDS OF DISABLED PERSONS**

That the Federal Government direct the Minister of Employment and Immigration to establish, within that department, a group at the most senior level that would be responsible for the development and strategic implementation of policies and programs aimed at the employment of the handicapped.

**No Representation:** Employment is the most urgent need of disabled persons in Canada. At the present time, however, federal employment policies are formulated without any solid knowledge about disabled persons. There are few specialists in CEIC with this expertise, and fewer to take responsibility to make sure that programs and services are flexible enough to include persons who are disabled. The establishment of a group of senior advisors will ensure that the Minister of Employment and Immigration is continually informed about the needs of a group in Canada which has the highest rate of unemployment.

**1982: COMMITTED**

**Guarantee:** The Minister of Employment and Immigration told the Committee that he cannot state the exact mechanism but "I can guarantee there will be one". Based on the Minister's statement, the Committee believes there is a firm commitment to create a group of senior advisors. An organizational review at the Canada Employment and Immigration Commission (CEIC) is presently underway, and this review will study the best way to implement the recommendation.

**Workplan:** CEIC has a proposed workplan which includes establishing a directorate for disabled persons within the Commission. This directorate would co-ordinate departmental programs for disabled persons, monitor the effectiveness of these programs, act as an advocate in departmental planning, plus carry out a research function, including the development of a data base on disabled persons.



**Stress Importance:** Consumer groups have responded to this recommendation by stressing the importance of consultation between consumer groups and this proposed group of senior advisors within the Commission. Employment was identified as a key issue in the hearings throughout Canada. The Committee urges the Minister to act quickly in completing the organizational review and in initiating changes as a result of the review. There has been sufficient time to complete the review, now is the time for action.

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### 30 PURCHASE MORE GOODS AND SERVICES FROM SHELTERED WORK SETTINGS

That the Federal Government give priority in its purchasing policy in order to ensure that a significant amount of goods and services required by federal departments, agencies and crown corporations will be provided by firms and organizations established specially to provide employment opportunities to disabled persons. This policy should include such measures as:

- . Ways and means to expand the industrial capacity and competitiveness of these special suppliers, such as long-term contracts and low interest loans.
- . "Set Aside" products and services which are exclusive purchasing contracts that will provide an element of security and continuity to this type of organization.
- . A review process to protect against exploitation of workers within these special organizations and to ensure that the working conditions and environments are adequate.

**Necessary Shelter:** A sheltered work setting is a specifically designed business organization for disabled persons who would otherwise be unable to find employment. These workshops are the subject of considerable controversy among disabled people. On the one hand, it is clear that many disabled persons need special employment protection. In their present condition, these individuals cannot compete in the regular job market. Until such time as new employment opportunities are opened to them in other workplaces, the existing sheltered workshops are a practical necessity.

**Poor Performance:** On the other hand, it must be recognized that conditions in some workshops are deplorable. Too often they have become charitable institutions rather than business enterprises. Disabled employees are often paid as little as twenty-five cents per hour for producing goods which are then sold at competitive prices on the open market. There is little or no incentive for employees to improve their situation. Instead of being simply a temporary shelter, a workshop frequently becomes a permanent crutch. Staff members often foster an atmosphere of dependence rather than one of growing independence.

**Do It Right:** The Federal and Provincial Governments already have a considerable financial stake in these workshops. In 1979-80 it provided millions of dollars to the workshop network. That being the case, and faced with the necessity of continuing the workshops, the Federal Government should do everything it can to help these organizations become what they were intended to be--business enterprises.

**"Aggressive Purchasing":** A policy of "aggressive purchasing" would mean that the Government would give preferential consideration to sheltered workshops whenever they can provide goods and services that the Government normally purchases. At the same time, the Government is already reviewing with the Canadian Council of Rehabilitation Workshops new strategies by which workshops across Canada can become more competitive through their own efforts.

**Protect Employees:** Looking past this question of competitiveness, a more basic issue must be addressed, that of the well-being and progress of the

disabled employees. The operations of each workshop must be periodically monitored to ensure that employees are not being exploited by their managers, and that the workshop environment provides adequate working conditions.

**Note:** See also Recommendation 17.

#### **1982: NOT IMPLEMENTED**

**Major Impact:** The Department of Supply and Services, along with Treasury Board and Health and Welfare are currently sponsoring a major study, BIDS, which stands for Business and Industrial Development Strategies. The three-year study, also sponsored by the Canadian Council of Rehabilitation Workshops, is intended to identify potential production capabilities of sheltered workshops. The Minister of Supply and Services anticipates that it will have a major impact on the volume of government business with workshops, but that it is too early to state the exact nature of that impact.

**Move Quickly:** Although the existence of sheltered workshops has come under criticism, sheltered employment is important to a number of disabled persons. The Federal Government can encourage the employment of disabled persons in this type of work through an aggressive purchasing policy. The Committee recommends that, as soon as the results of the BIDS study are available, the Government should move quickly to implement this recommendation.

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#### **31 MAKE BUSINESS GRANTS AND LOANS AVAILABLE TO DISABLED PERSONS**

That the Federal Government ensure that its industrial development grants and small business loans and other incentives to small businesses and co-operatives, and its programs for industrial and regional development,

are available to disabled persons and their organizations. To this end, the Federal Government should establish an interdepartmental committee to review the current situation to make specific recommendations to correct the situation.

**Left Out:** Each year millions of dollars are provided by five Federal Government organizations in the form of grants and loans to stimulate local economies. These five organizations are the Canada Employment and Immigration Commission, the Department of Supply and Services, the Department of Regional Economic Expansion, the Department of Industry, Trade and Commerce, and the Federal Business Development Bank. Disabled persons, however, see very little of the money that comes from these organizations.

**Losers:** The disabled community loses out on two counts. First, because these programs rarely assist in the development of business enterprises or the establishment of co-operatives run by disabled persons. Second, because these programs rarely generate employment opportunities for disabled persons.

**Review and Correct:** The Federal Government should establish an interdepartmental committee to review the existing programs of these departments and agencies as a first step toward actions that will direct some of the money available under these programs to disabled persons.

**Advice:** Present economic conditions have increased the risk of small business ventures. In addition to providing funds, the Federal Government should enlist the co-operation of businessmen, active or retired, to serve as advisors to disabled persons who are starting businesses. The availability of these advisors should be widely publicized, and the advisors themselves should have access to information about low interest loans and technical aids.



## 1982: UNDER CONSIDERATION

**Current Programs:** An interdepartmental committee co-ordinated by the Department of Industry, Trade and Commerce is studying this recommendation. This group is examining the use of current industrial assistance programs in providing financial assistance to disabled persons with business operations. It is also considering ways to upgrade this assistance.

**Not Effectively:** This interdepartmental committee has found that non-profit corporations and organizations of and for disabled persons have not been able to avail themselves effectively of various Federal Government programs which offer funding and advisory services to businesses, despite the fact that they are technically eligible for such assistance.

**Misinterpretation:** This lack of success seems to stem from a traditional assumption on the part of federal program managers that non-profit corporations or workshops of disabled persons are "charitable" or "social service" enterprises, and are thus ineligible for assistance. This misinterpretation or misinformation has in turn confused and discouraged groups of disabled persons, resulting in underutilization of these programs.

**Improved:** The Committee is pleased that this interdepartmental group has been established to study the problem, and the Committee urges serious consideration of improved assistance for disabled persons who have business operations. The Members have received numerous letters from disabled persons who wish to start or improve businesses. Such persons have found it difficult to get financial backing, in the past, because of difficulty in establishing a line of credit.

The Committee urges those responsible for operating programs for businesses to make it clearly known in all promotional materials that non-profit corporations of disabled persons are eligible for assistance through these programs.

## 32 EXPLORE AGRICULTURAL JOB OPPORTUNITIES FOR DISABLED PERSONS

That the Federal Government explore with the provinces and farm organizations, ways to increase the employment opportunities for disabled persons in the agricultural sector.

**More Sensible:** Each spring and summer Canadian newspapers feature articles about job shortages in Canadian cities alongside articles about labour shortages on Canadian farms. At a time when several hundred thousand Canadians are out of work, Canadian farmers are forced to import workers from Mexico and the Carribean in order to have dependable help. In several European countries, on the other hand, governments have managed to place thousands of disabled persons, most of them mentally disabled, in agricultural jobs. The Federal Government should study these European programs as a first step toward increasing job opportunities for disabled Canadians.

### 1982: COMMITTED

**Labour Pools:** The Minister of Employment and Immigration told the Committee in April of 1981 that he had asked his officials to examine how farm labour pools can recruit persons with handicaps. His department then took this issue to the 1981-82 Federal-Provincial Agricultural Development Conference where this subject was one of the major discussion points. From this conference came a message that this was an important area to explore for the ongoing Federal-Provincial Agricultural Development Committees.

**Seasonal Work:** Subsequent to these discussions, the Canada Farm Labour Pools discussed the hiring of disabled persons. The Canada Employment and Immigration Commission (CEIC) reported success in placing disabled persons in seasonal work, and in greenhouse work which is almost a year-round activity. A full report on this project will be prepared for the next Federal-Provincial Agricultural Development Conference to be held in October 1982.

**Innovative Attempts:** The Committee is aware of a number of innovative attempts to match disabled workers with particular tasks in agricultural settings which were highly successful. Two examples are offered:

- **Greenhouse:** A greenhouse farming operation which was staffed by physically disabled persons continues to expand and operate. Greenhouses are particularly accessible and well-suited to the needs of workers with mobility disabilities.
- **Dairy Farms:** A feasibility study on placement of mentally disabled persons in dairy farming jobs prompted such a positive response from the farmers surveyed that a team of workers was made available on a contract basis. A significant number of the farmers who hired these mentally disabled workers demonstrated their satisfaction by rehiring them or recommending them to other farm operators. All those who hired these teams agreed it had been a satisfactory experience and several, in particularly telling comments, said they wished they had known earlier about the availability and capabilities of these workers.

**Encourage Hiring:** In a report tabled by the Secretary of State in December 1981, CEIC replied that the Program for the Employment Disadvantaged (PED), could be used to encourage hiring of disabled persons in agriculture. Field officers were directed to explore this possibility, but they discovered that most agricultural jobs did not meet the PED criteria--namely, continuous year-round employment.

**Negative Image:** The Canadian Association for the Mentally Retarded did not like the recommendation because of the negative image of farm colonies. It stressed that it should only apply to those persons who like agricultural work.

**Explore Ways:** The Committee applauds CEIC for continuing to explore ways of implementing the intent of this recommendation when it discovered that the PED program was not the best vehicle. It encourages CEIC to continue

exploring further prospects for matching disabled persons with suitable jobs in the agricultural industry.

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### 33 IMPROVE SERVICES TO DISABLED PERSONS AT EMPLOYMENT CENTRES

That the Federal Government increase the effectiveness of its services to disabled persons by implementing the following measure:

- A) Accelerate the current program to make all Canada Employment Centres (CEC) accessible by December 31, 1983.
- B) Increase substantially the number of special needs counsellors across the country; however, disabled persons should not be obliged to use these counsellors exclusively, but may use the full range of regular services.
- C) Ensure that all CEC personnel are exposed to orientation or training sessions.
- D) Ensure that in the personnel evaluation process special recognition be given to counsellors placing disabled persons in jobs.
- E) Ensure that the services provided by the major CECs are available to the visually and hearing-impaired.

**More Improvement:** Among groups of Canadians who are able to work, disabled persons have the highest unemployment rate. The Canada Employment Centres are designed to assist all persons who are seeking employment. Yet in many cases the facilities and services provided make it difficult for disabled persons to use them. The Canada Employment and Immigration Commission has made considerable improvements in recent years in its delivery of services



to disabled persons. There is much that still needs to be done, however, and it needs to be done quickly. The best and fastest route to improving services lies in direct consultation with disabled persons and their organizations and, then, by using the information that they provide as the basis of orientation sessions for employment counsellors.

**1982: (A) COMMITTED**

**900 Points:** The Canada Employment and Immigration Commission (CEIC) reports that one-third of its 900 points of service are fully accessible. CEIC, together with the Department of Public Works, is developing a full access plan. It will be ready by March 1983. At that time a Cabinet submission will be prepared, calling for all new construction to be designed within full access standards, and that all leased accommodation be accessible within 3 to 4 years.

**More Quickly:** While the Committee is pleased that one-third of all CEIC's facilities are accessible at this point, it feels that the Commission must move more quickly to demonstrate its commitment to the principle of accessibility of service. The Committee reiterates its original position that CEIC accelerate its program.

**1982: (B) UNDER CONSIDERATION**

**Special Needs:** CEIC currently has 130 special needs counsellors in its 400 Canada Employment Centres. CEIC has proposed a work plan for the establishment of a number of special employment groups which would provide a full range of employment services to disabled persons, plus extended services such as marketing the services of particular clients.

**Interim:** These special groups are seen only as an interim measure. CEIC feels that separate groups are necessary in the short-term because of the possibility of staff reallocation under the regular system. Currently, regular staff may be reassigned tasks if the work flow changes. For example, there may be a sudden influx of unemployment insurance

applicants. In order to allow the staff to concentrate their efforts on employment services for disabled persons, the working group must be a separate one.

**Diagnostic:** During the past year, CEIC has increased its funding for diagnostic services for disabled persons. Funds are paid to consultants to provide a comprehensive assessment of the training needs of disabled persons. This has been a successful program and CEIC plans to continue it as part of its employment services. There has been a managerial directive that disabled persons may choose to use either the regular services or a special needs counsellor.

**Caution:** The Committee is concerned about CEIC pursuing a program which involves segregated activities, and urges CEIC to proceed with caution. The Commission should consult with disabled consumers and their organizations before embarking upon this proposal. While the use of separate employment groups may be necessary because of current administrative operations, the Committee is not convinced that this is the most effective way to deliver services to disabled persons.

The Committee believes that this recommendation can be implemented without significant increase in person-years by re-shuffling priorities. The Committee strongly believes that special needs counsellors are needed in all major centres.

#### 1982: (C) UNDER CONSIDERATION

**Training Program:** At a meeting with the Committee, the Minister of Employment and Immigration said that his department has undertaken a training program for employment counsellors. It is a competency-based program using training modules. The long-term schedule calls for nine modules, approximately three of which have been developed at this point. Training which is related to special needs will be covered in later modules. This would include the special needs of disabled persons. The proposed directorate for disabled persons would have the responsibility at that time for ad hoc short-term orientation workshops for the staff who will operate the training modules.

**Information Package:** The Canadian Rehabilitation Council for the Disabled (CRCDD) has offered to help develop an information package for the training of these counsellors. The Canadian Association for the Mentally Retarded emphasized the need to consult with relevant disabled groups in developing the training package.

**Aware of Needs:** The Committee regrets that the training module on special needs will not be developed in the near future. The Committee urges CEIC to take interim steps to provide small orientation sessions and workshops so that all CEIC staff are aware of the special needs of disabled persons. The Committee further emphasizes that CEIC should consult with interested groups in the preparation of such sessions.

#### 1982: (D) IMPLEMENTED

**More Time:** CEIC has recognized that the placement of disabled persons does take more time. Therefore, special consideration is given to this in the evaluation of special needs counsellors. The Committee is pleased that CEIC has taken this step.

#### 1982: (E) NOT IMPLEMENTED

**Limited Action:** There has been very limited action by CEIC in making Canada Employment Centres more accessible to visually-and-hearing-impaired persons. The provision of TDDs (Visual Ears), for example, are a budget item to be decided upon by the region. Headquarters does not require installation of such equipment, despite the fact that Treasury Board has sent out a directive that all government departments must install the Visual Ear equipment at each major source of public information.

**Principles and Practices:** CEIC has sent to the regional offices a document, "Principles and Practices for Delivery of Services to Handicapped Persons". Under section 7, "Special Equipment", the following directive is made: "Each region will develop a plan for installing, over time, as resources permit, of appropriate technical aids required to ensure suitable treatment of handicapped clients with communications problems".

There is some indication from this that the regions in the future will install the Visual Ear equipment.

**Appointment Service:** The document cited above also includes section #8, "Appointments", with the following copy: "Each regions will ensure that Canada Employment Centres (CEC) offer appointment service for its clientele". Basically, this means that a handicapped person can obtain appointments for service at a specified time and special arrangements can be made to facilitate the interview. For example:

- . Reading of information to a blind client.
- . Holding the interview at an alternative site if the CEC is not accessible to the client.
- . Providing interpretor services for a hearing-impaired client.

**Special Training:** The Canadian Co-ordinating Council on Deafness strongly supported this recommendation, and stressed the need for special training for the CEC staff, especially sign language training for the special needs counsellors. The Council also noted that the CEC's must be accessible by Visual Ear equipment. The Canadian Hearing Society also stressed that CEC's should be accessible and that interpretation services be available.

**No Indication:** The Committee is not convinced that CEIC has worked diligently to implement this recommendation. The use of special telephones for deaf persons is a case in point. Such items as Visual Ear equipment should be provided as standard items, not left to the discretion of a region. During 1981, even a major private department store provided TDD service. Surely, CEIC can provide such service in its major centres. There is not indication that departmental information is available in alternative media such as cassettes, large print or braille, despite Treasury Board directive to do so. The Committee reiterates its original recommendation that CEIC ensure that it is fully accessible to all disabled persons.



34 INCREASE CO-ORDINATION BETWEEN GOVERNMENT AND PRIVATE SECTORS  
REGARDING EMPLOYMENT

That the Federal Government improve the programs and services to disabled persons by implementing the following measures;

- . Establish an Advisory Committee on Employment of Disabled Persons in the Private Sector, with representation from business, government and labour. This Committee should advise the Minister of Employment and Immigration on all matters relating to training, placement and job creation which fall within the minister's mandate; similar committees should be established in each region and at the local Canada Employment Centre (CEC) level;
- . The Federal-Provincial Manpower Needs Committee be asked to play a co-ordinating role between the two levels of government and the private sector to increase the opportunities for employment of disabled persons in the private sector.

**Constant Need:** Many employment problems facing disabled persons can be attributed to a lack of co-ordination between governments and the private sector. Job opportunities are lost simply because disabled persons are not informed about them. The new advisory committee would ensure that the Minister of Employment and Immigration is informed of the needs of disabled persons in the private sector. The committee should be made up predominantly of disabled persons and representatives from their organizations, but also include representatives from business, government and labour.

**Fulfill Mandate:** The Federal-Provincial Manpower Needs Committee exists expressly for the purpose of co-ordination. To ask for better efforts on their part is simply to emphasize their original mandate. The Federal

Government should take whatever steps are necessary to make sure that the mandate includes finding greater employment opportunities for disabled persons.

## **1982: COMMITTED**

**National to Local:** At an April 1981 meeting, the Minister of Employment and Immigration responded by stating that he would incorporate this recommendation as part of the ongoing responsibilities of the Canada Employment and Immigration Advisory Council (CEIAC). This Council is composed of labour, management and public representatives. The Minister said that he would start this process at the national level and work down to the local level, and that the Federal-Provincial Manpower Needs Committee would be asked how this activity could best be carried out throughout Canada.

**Much Work:** The Committee sees that much work remains in the implementation of this recommendation, but recognizes that a commitment has been given to proceed on it. The Members are pleased that the Minister is committed to the principle of consultation in this area and urges the rapid introduction of consultation mechanisms at the local level.

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## **35 GIVE HIGHER PRIORITY TO NEEDS OF DISABLED PERSONS IN SPECIAL PROGRAMS**

That the Federal Government give higher priority to the needs of disabled persons within the following programs:

- A) Industrial Training Program - Special Needs.
- B) Local Employment Assistance Program (LEAP).

- C) Grants and contributions to organizations of the disabled.
- D) Community Services Program.

In addition, the Federal Government should:

- E) Continue the Employee Tax Credit Program for employers embarking upon Affirmative Action Programs.
- F) Revamp and expand the Outreach Program to make it more responsive to the disabled community and to ensure longer-term financing.
- G) Ensure that summer employment programs, student trainee programs and job creation programs allow for the particular needs of disabled persons in their funding arrangements.

**More Needed:** At the present time, the Canada Employment and Immigration Commission has developed several first class training and employment programs. But more are needed to satisfy the needs of disabled Canadians. A key to progress in this area will be to reinstate the Employee Tax Credit Program, thereby providing employers with greater incentive to hire and train disabled workers.

**"Outreach" Programs:** "Outreach" is an innovative concept which enables community groups to develop their own employment opportunities. The present policies should be revised to allow for longer term financing, as is currently possible in the Canada Farm Labour Pool System. Special consideration should be given to groups of disabled consumers who are planning and developing their own employment projects.

**1982: (A) COMMITTED**

**New Act:** The Minister of Employment and Immigration introduced a new training act as a response to this recommendation. At a Federal-Provincial Conference in January 1982, he said: "Women, natives, and handicapped and others who suffer disadvantages in the labour market require better access to continuing and productive employment and employment upgrading. Training programs must be designed to ensure that they have equal opportunities."

**Necessary Steps:** The Committee is pleased that the Canada Employment and Immigration Commission (CEIC) plans to take the necessary steps to give disabled persons a higher priority in training programs. In order to obtain meaningful employment, some persons require this training. The Committee is pleased that CEIC has recognized the difficulties encountered by disabled persons in obtaining such training. The Committee further urges the Minister to obtain early passage of this legislation.

**1982: (B) IMPLEMENTED**

**Higher Priority:** CEIC has reported that a higher priority to the needs of disabled persons has been implemented in the LEAP program. On the application form for funding, the group is asked whom it plans to hire. A higher priority is given to projects which hire from the target groups (women, native population, and disabled persons).

**Twenty-four Funded:** In 1981-82, there was an increase in priority for projects for disabled persons. CEIC had a target of 11 new LEAP projects for disabled persons. Twenty-four were actually funded. This brings to 96 the number of LEAP projects for disabled persons, involving 702 participants.

The Committee is pleased that CEIC has taken the necessary steps in this way to give higher priority to disabled persons in its special employment programs.



**1982: (C) UNDER CONSIDERATION**

**Providing Grants:** CEIC plans to give a higher priority to providing grants and contributions to organizations of the disabled. In 1982-83, there is a planned increase of 45% in the grants and contributions and this increase will go to disabled persons. The Committee is pleased with this action.

**1982: (D) IMPLEMENTED**

**Special Measures:** CEIC has already introduced special measures to ensure that the Community Services Program and job creation programs give a higher priority to disabled persons. On application forms, a group must indicate whom it plans to hire. A higher priority is again accorded to projects which hire from target groups, of which one is disabled persons. The Committee is pleased that CEIC has taken this step.

**1982: (E) IMPLEMENTED**

**Disadvantaged:** The Employee Tax Credit Program has been replaced by the Program for Employment Disadvantaged. The program will pay 85% of the gross wages for all eligible workers for up to 13 weeks. After that, 50% for up to 26 weeks, 25% for a further 26 weeks. The program will also pay up to \$5,000 per employer for special equipment alterations needed to hire disadvantaged workers. The total program will provide \$25 million over two years.

**100% Placement:** The program was expected to place up to 2,300 disabled employees within the first year. The actual placement was 126% of this total, but with drop-outs taken into account, the actual placement was 100%. CEIC was pleased with the result because it had anticipated a higher drop-out rate. The Commission plans to ask for a 40% increase in funding for the program.

**Major Project:** The Program for Employment Disadvantaged was a major project of CEIC for the International Year of Disabled Persons. The

Commission stresses that the major goal of this program was employment in the labour force, not job creation. It feels that the program has been successful in placing disabled persons in jobs.

**Criticism:** There has been some criticism of the program. The Canadian Mental Health Association was dissatisfied that the program did not initially include the psychiatrically disabled. The Coalition of Provincial Organizations of the Handicapped (COPOH) was very critical about the lack of consultation in the development of the program.

**Intent:** The Committee congratulates CEIC for its initiative in introducing the Program for Employment Disadvantaged. The Committee feels that the Commission has met the intent of this recommendation. It feels, however, that CEIC should respond to the criticisms by disabled consumers and their organizations by meeting with these groups.

#### 1982: (F) UNDER CONSIDERATION

**Twenty-three per cent of Projects:** During 1981-82, disabled persons were considered a priority for Outreach projects. Twenty-three per cent of the new projects were targeted for disabled persons, and the total funding for all Outreach projects will increase from \$11 million this year to \$16 million during 1982-83.

**Acknowledgement:** At a meeting with the Committee, the Minister of Employment and Immigration acknowledged the need for both Outreach projects and for regular employment services for disabled persons. The Outreach program will continue but CEIC has been conducting a policy review to improve its services, including services to disabled persons.

**Support:** A number of groups such as the Canadian Co-ordinating Council on Deafness, the Canadian Hearing Society, the Ontario March of Dimes and the Canadian Association for the Mentally Retarded supported this recommendation. However, the Canadian Council on Social Development expressed concern that the Outreach program seems to run counter to the

principle of integration. If this is deemed to be necessary, then the Council feels that the program needs some major improvements. COPOH wants consumer involvement in the study of Outreach and wants input into the criteria for future projects.

**Work Quickly:** While the Committee is pleased that CEIC has increased the funding to the Outreach projects for disabled persons, the Committee urges the Commission to work quickly to complete the policy review, and to institute necessary changes. Some of the shortcomings of the Outreach program have been well-known for some time. Now is the time for action.

#### 1982: (G) IMPLEMENTED

**Disabled Students:** Special measures were introduced for the 1981 program to encourage federal departments and agencies participating in the Summer Canada program to set targets for the hiring of disabled students. Special measures of this sort were introduced for the 1980-81 programs. Sponsoring organizations must include a positive hiring plan with their application, setting targets for the hiring of physically disabled students.

The Committee is pleased that CEIC has taken this step.

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#### 36 PROTECT EMPLOYEES IN PRIVATE INDUSTRY WHO BECOME DISABLED

That employers and labour unions in the private sector be encouraged to ensure that disabled workers are provided employment opportunities, income and job security, by including measures in personnel policies or collective agreements to this end, such as:

- . Special retraining plans;
- . Transitional arrangements, including training or retraining, to facilitate return to the workplace;

- . Preferential arrangements or guarantees to ensure return to a former job or suitable alternative.

**Difficulty:** Workers who are injured on the job are provided some protection under existing federal and provincial legislation. However, individuals who are disabled outside of the job or who have a prolonged absence due to illness or injury have difficulty in entering, or re-entering, the work force.

**Private Initiative:** The Federal Government can take direct action to protect employees who become disabled within the public service. In the private sector, however, this kind of employment security depends more upon the initiative of employers and labour unions. Both groups have an incentive to assist disabled employees, if only for public relations purposes. Among the general public, it is no longer acceptable to ignore the needs of employees who are unable to work for a prolonged period because of illness or injury. Regardless of where ultimate responsibility lies, both employers and labour unions are held accountable in the public eye for the protection of disabled employees.

#### 1982: NO JURISDICTION

**Note:** This recommendation relates to activities which are outside the jurisdiction of the Federal Government. The Committee, feels, however that the policies and practices of employers and labour unions have a major impact upon the employment opportunities of disabled persons, therefore, the following comments have been included in this report:

**Greater Priority:** The Canadian Labour Congress (CLC) adopted, in September 1980, a policy statement on disabled people, including such considerations as the following:

That the CLC encourage all affiliates to place a greater priority on:

- . Income security for all disabled members.



- . Participation of local union representatives in devising fair and appropriate job allocations and assignments in every affected work place.
- . Encouragement of greater opportunities for all disabled members of the community.
- . Development of the necessary guidelines to enable its federations, councils and affiliates to work with disabled people, as well as with services and programs designed to assist disabled people; and implementing these programs at the provincial and local levels.

CLC has a consultant available to unions to provide assistance in developing practical plans.

**Pursue Questions:** Labour Canada will be pursuing the question of services and assistance for injured employees with employers and unions in order to explore new approaches which will ensure that disabled workers have the same protection as other employees.

**Well Established:** Some companies already have well established labour-management committees to encourage the employment of disabled workers. Officials from Canadian National told the Committee that CN's rehabilitation program, a co-operative effort involving both management and the union, is more than 50 years old. Officials also stressed that the real work in this area occurs at the grassroots level between shop foremen and the workers.

**Limited Role:** In the past, labour unions have played a limited role in helping disabled persons, but this is changing as more and more union members begin to understand the need for disabled persons to help themselves. Lee Miers of the Windsor and District Labour Council, summed up the need to educate union members about the needs of disabled persons when he said: "The International Year of Disabled Persons started to put disabled and able-bodied people together, something that should have been

done years and years ago. We have to pick up the concept now, and labour will do its part, but it needs time and education".

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37 **REPLACE VOCATIONAL REHABILITATION OF DISABLED PERSONS ACT (VRDP)**

That the Federal Government replace the Vocational Rehabilitation of Disabled Persons Act (VRDP) with new legislation which will enable it to share in the costs to the provinces of providing a comprehensive range of employment services to disabled persons, including prevocational services, the vocational rehabilitation services now covered under VRDP, job creation activities and services to help maintain employment;

That sheltered workshops or similar work settings funded under this legislation pay the provincial minimum wage to their disabled workers and that their boards include a substantial number of disabled persons or their representatives;

That, as a condition of funding, the provinces be required to establish an independent agency, where they have not already done so, to monitor the conditions in sheltered settings and that this agency include representatives from the disabled community, parent groups, business and organized labour;

That this legislation be administered by the Canada Employment and Immigration Commission to ensure closer integration with the Commission's programs and services; and

That the federal share under the legislation vary according to the province's economic situation as measured by its unemployment rate and the number of persons on social assistance.

**Milestone Legislation:** When the VRDP Act was adopted in 1961, it was ahead of its time and enabled the Federal Government to stimulate and support a comprehensive range of vocational rehabilitation services which benefited thousands of disabled persons.

**Shortcomings:** Because VRDP is limited to disabled persons that have an identifiable vocational goal, it is not designed to assist children, particularly the learning disabled, who drop out of the school system before the regular school learning age.

**Maintain Employment:** Another major weakness with VRDP is that it does not allow for a continuum of support to remain on the job. There is a need for a range of services for severely disabled persons such as technical aids, attendant services, reader services and sign interpreters to assist disabled persons on the job.

**High Unemployment:** The high unemployment rate among the disabled population is proof enough that jobs are sorely lacking despite the many programs to create jobs. Additional incentives are required to self-help groups and others to generate employment opportunities for disabled persons.

**Sheltered Settings:** Some individuals will continue to need a sheltered work setting. It is important, therefore, that in federally funded settings workers be provided protection and benefits comparable to those available to the ordinary worker.

**Note:** See also Recommendations 17, 18, 30.

#### **1982: UNDER CONSIDERATION**

**Initial Discussions:** The Minister of National Health and Welfare held initial discussions on this recommendation with provincial ministers of social services at the Federal-Provincial Conference, February 23, 1982.

**Not Prepared:** The Minister indicated that her Cabinet colleagues were not prepared to specify in advance any commitment of funds for contributions in support of expanded social services to disabled persons. Cabinet did authorize the Minister to consult with the provincial governments and with the voluntary sector to get "costed options" of providing such services. The provincial ministers of social services agreed to provide such data for preparation of proposals which Cabinet will examine later in 1982.

**Support:** There has been widespread support for this recommendation from consumer groups and associations. The Coalition of Provincial Organizations of the Handicapped (COPOH) felt that the Vocational Rehabilitation of Disabled Persons Act (VRDP) should be under the jurisdiction of Employment and Immigration Canada, and that the limitations and narrowness of the existing program are a problem. The Canadian Rehabilitation Council for the Disabled (CRCDD) wants acceptance of the principle that disabled persons should return to work and that the provision of a pension is not enough assistance under this Act. The Canadian Mental Health Association stressed the need for more resources for work centres to provide work experience so that disabled persons can eventually rejoin the labour force.

**Critical and Costly:** This area was identified throughout the hearings as a critical area, and the Committee feels that the Federal Government should press for changes. The Committee realizes that this is a costly recommendation to implement, but also wants to point out that it is one of the few recommendations in the report which carry a large price tag.

**Those Who Need it Most:** The Committee is aware of the government policy of restraint. However, it reaffirms its support for new legislation to provide a comprehensive range of employment services to disabled persons.

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### 38 IMPLEMENT AFFIRMATIVE ACTION PROGRAM IN NEW POST OFFICE LEGISLATION

That legislation replacing the Post Office Act include provisions requiring the Post Office to implement an Affirmative Action Employment Program, and to adopt a policy of purchasing a significant amount of goods and services from firms and organizations established specifically to provide employment for disabled persons.

**Useful Work:** There are existing organizations which hire disabled persons, especially those who are mentally retarded, to deliver some forms of municipal mail. These organizations fear that the new legislation will eliminate the opportunities for disabled persons to do this useful work. The Committee believes that these organizations should be permitted to continue operations, either as presently set up, or by means of special contracts for goods and services with the Post Office.

**Other Opportunities:** The Post Office should also undertake an Affirmative Action Program to provide employment opportunities in other jobs throughout the organization.

#### 1982: NOT IMPLEMENTED

**Not Included:** While this measure was not included in the Canada Post legislation, the Department of Labour is discussing the employment of disabled persons by Canada Post. The recommendation was supported by the Ontario March of Dimes, the Canadian Association for the Mentally Retarded, and by the Canadian Hearing Society. Once again, the Committee reiterates its support for compulsory affirmative action programs in Crown corporations. The Committee is not convinced that voluntary compliance will occur.

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## I N C O M E

### 39 ESTABLISH DISABILITY INSURANCE PROGRAM

That the Federal Government gradually establish a Comprehensive Disability Insurance Program which would be integrated with the present system of Canada Pension Plan/Quebec Pension Plan (CPP/QPP) benefits and which would:

- . Eventually cover all disabled employees, spouses and dependents;
- . Be actuarially sound and paid for out of an expanded premium structure and CPP/QPP;
- . Be indexed to the Consumer Price Index.

**Living Death:** Within the insurance industry disability is called "living death" because the family of the disabled person is deprived of a regular income as if the person were dead, but are left with equal or greater expenses because the person is still living. Between ages 35 and 65, the chances of an employee becoming disabled for an extended period of time are four times higher than the chances of a person dying. Without some kind of comprehensive disability insurance protection, it is clear that many disabled Canadians and their families will face severe financial hardships.

**Program Coverage:** The recommended Program should provide immediate regular income equal to a full pension, to offset the extra costs which are attributable to the person's disability, and to subsidize any special requirements which would enable the person to work again. The Program should provide some form of penalty for an employer who is unwilling to retain an employee who becomes disabled.

**Encouragement:** The most successful disability plans within the private insurance industry are those which facilitate rapid rehabilitation and re-entry into the workplace. The proposed Program should provide incentives to the disabled person to encourage maximum rehabilitation and

re-entry. Along these lines, special attention should be paid to integrate these efforts with the provincial Workmen's Compensation Programs.

#### **1982: UNDER CONSIDERATION**

**Joint Study:** The Minister of National Health and Welfare, in a speech to the United Nations on December 7, 1981, proposed that the Federal and Provincial Governments co-operate on a joint study of a national disability insurance scheme and related topics. At the Federal-Provincial Ministers of Social Services Meeting in February 1982, they agreed to a federal-provincial task force to investigate establishing a comprehensive disability protection program in Canada. The study will examine both insurance-based approaches and non-insurance based options. The final report is due to be released in September 1983.

**Support and Concerns:** This recommendation for a comprehensive disability insurance program was supported by consumer groups and associations. However, the Canadian Life and Health Insurance Association is concerned that a new government insurance plan will be implemented without examination of the current needs and resources.

**Serious Consideration:** The Committee is pleased that the federal and provincial ministers have agreed to give serious consideration to the subject of income protection for disabled persons. The Committee also appreciates that this subject is indeed a complex one which will have a major impact on the private sector, particularly the insurance industry. The negotiations for such a proposal are lengthy. For example, the Canada Pension Plan took two years to negotiate. The Committee commends the Minister of National Health and Welfare for initiating discussion, and urges serious consideration by both Federal and Provincial Governments of the ongoing study.

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#### 40 EXPAND CANADA PENSION TO AID DISABLED PERSONS

That the Federal Government, as a first step towards a Comprehensive Disability Insurance Program, expand the Canada Pension Plan as follows:

- . To increase the "flat rate" component of the disability pension to an amount at least equal to that of the Quebec Pension Plan;
- . To change the definition of disability so that it will exclude fewer people;
- . To allow earnings on a sliding scale while in receipt of benefits;
- . To provide for special needs for disabled pensioners.

**Immediate Steps:** Until the new Comprehensive Disability Insurance Program takes effect, greater insurance should be provided to disabled employees by improving the Canada Pension Plan.

**Quebec Better:** Under the Quebec Pension Plan, disabled employees receive monthly benefits starting at \$146.78, with a maximum of \$330.11. Under the Canada Pension Plan, the flat rate is \$57.25, with a maximum of \$240. The difference between the two plans is entirely attributable to the starting, or "flat" rate. The Canada Pension Plan's flat rate should be made equal to that of the Quebec Plan.

**Stringent:** The Canada Pension Plan has a very stringent definition of "disability" which can only be applied to persons who can never again be gainfully employed. This excludes all of those persons who are too disabled to work at the present time, but who eventually may be able to re-enter the labour market on a full or part-time basis. The definition of "disability" under the Plan should now be expanded to include them.



**1982: (A) COMMITTED**

**Three Proposals:** On December 7, 1981, the Minister of National Health and Welfare announced three proposals for changes to the Canada Pension Plan to be discussed at a Federal-Provincial Conference in February 1982:

1. That the "Flat-rate component of CPP" be increased in 1982 from \$70.68 a month to \$227.73 per month, which is the level of the Old Age Security benefits, and that "earnings-related component" be raised for 1982 from \$230.74 to \$307.65.
2. That the minimum requirements for eligibility for a CPP disability pension be lowered. A person deemed disabled would only need to have contributed to CPP in one of the last two years. Currently, contributions in at least the last five years are required.
3. That the CPP's contributory period over which earnings-related benefits are calculated, end in the month in which the contributor is deemed to have become disabled rather than three months later.

**Need to Provide:** At the meeting, the provincial ministers agreed that "the need to provide improved protection to CPP disability pensions is a priority". However, some ministers wanted to consult with provincial colleagues before agreeing. The Minister of National Health and Welfare could not report, therefore, that "the proposals were agreed to by the provinces and that progress towards implementation is proceeding rapidly"--but the Federal Government considers these changes an important social priority.

**1982: (B) NOT IMPLEMENTED**

**Definition of Disability:** The question of broadening the definition of disability has been of concern for some time. The Department of National Health and Welfare prefers to wait for any action on this question until after the Federal-Provincial study on comprehensive disability protection

program is completed. The definition of disability will be included in the terms of reference of this study.

**1982: (C) NOT IMPLEMENTED**

**Earnings on a Sliding Scale:** The Committee urges consideration of this proposal as part of the interim action while the Federal Government awaits the result of the Federal-Provincial study.

**1982: (D) NOT IMPLEMENTED**

**Special Needs:** The Minister of National Health and Welfare does not agree with the recommendation to provide for special needs for disabled pensioners. She feels that such a provision would involve a drastic change and expansion of the administrative structure of the CPP disability program. The Minister also feels that such needs are more appropriately addressed through provincial programs.

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**41 PROVIDE TEMPORARY ASSISTANCE TO OFFSET COSTS INCURRED BECAUSE OF DISABILITY**

That, until the Comprehensive Disability Insurance Program takes effect, the Federal Government help offset the costs incurred due to disability, by sharing with the provinces the costs for an income tested flat rate disability supplement, under the Canada Assistance Plan.

That consideration be given to the implementation of a cost-sharing formula for the disability supplement which would allow for varying federal contributions depending upon the province's financial situation.

**Extra Costs:** A disabled person can incur significant extra costs which result directly from the disability. Clothes wear out more quickly, taxis

must be taken more often, attendant care may be required. There are also the costs of aids and devices which are not covered by existing programs. The Canada Assistance Plan does not provide funds to cover these extra costs for a person on a low or limited income. On the other hand, attempts by the disabled person to correct this situation through employment usually endangers his or her eligibility under the Plan. Not only might the basic allowance be lost, but also the free medical, drug and dental benefits that are provided.

**"Income Tested":** The Committee recommends that a supplementary allowance be provided to enable disabled persons to offset their extra costs. This supplement would be "Income tested", that is, based on the person's income. Above a certain level of earnings, the person would be eligible.

#### 1982: COMMITTED

**Cost-Sharing:** The Canada Assistance Plan (CAP) currently cost shares in a needs-tested flat rate allowance for the disabled. CAP guidelines permit federal cost-sharing of any item of need which is individually demonstrated to be a requirement of a disabled person, or his or her family.

The Canadian Mental Health Association supports this recommendation, but points out that the needs of the psychiatrically disabled should not be ignored.

**Offset the Costs:** Again, the Committee reiterates its concern for disabled persons by advocating the use of federal programs to work on behalf of the disabled. The Committee urges the Federal Government to use the CAP program to offset the costs incurred due to disability.

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#### 42 MODIFY CANADA ASSISTANCE PLAN TO AID DISABLED WORKERS

That, until the Comprehensive Disability Insurance Program takes effect, the existing guidelines under the Canada Assistance Plan be modified as follows:

- . The Liquid Asset Exemption should be substantially increased to allow for the additional costs related to a disability;
- . The Earnings Exemption should be increased to enable a permanently disabled person who is working part-time to retain a larger share of his or her earnings;
- . The Earnings Exemption Guidelines should allow for a longer transition from social assistance to employment, taking into account the nature of the disability, up to a period of two years.

**"Rainy Days":** The Liquid Asset Exemption says that a person who is receiving Canada Assistance benefits may keep only a certain amount of savings in the bank for a "rainy day", that is, for emergency purposes. A ceiling is placed on savings to guard against a person living off the benefits while stockpiling money from other sources. The ceiling, established by the provinces, is \$1,500 for individuals and \$2,500 for families. The Committee recommends that this ceiling be substantially raised in the case of disabled persons, who are confronted with extra and unexpected costs arising from their disability.

**More Earnings:** For the same reason, the Committee recommends that the Earnings Exemption be raised and extended for disabled persons who are employed part-time. Ordinarily, a person is eligible for benefits only if his or her earnings are below a certain level. Disabled persons need more money and they also need more time to secure new employments.

#### **1982: NOT IMPLEMENTED**

**More Comprehensive:** The Canada Assistance Plan guidelines were revised in 1980. This revision enables the provinces to provide more comprehensive benefits to disabled persons on a cost-shared basis. Support for the recommendation has been received from major associations, and the Canadian



Association for Mentally Retarded, in particular, supported the extension of the liquid asset exemption.

**Lever to Influence:** The Committee recognizes that the Federal Government can only use cost-shared programs as a lever to influence provincial programs. The Members, however, urge the Government to revise its guidelines under the Canada Assistance Plan to meet the special needs of disabled persons.

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**43 PROVIDE CASH ALLOWANCE FOR PERSONAL NEEDS TO DISABLED PERSONS IN INSTITUTIONS**

That the Federal Government discuss, with the provinces, the provision of a minimum personal allowance to institutionalized disabled persons; that this allowance be an amount which adequately meets basic personal needs, and that it be indexed to the cost of living.

**Small Choices:** The mere fact of being institutionalized automatically casts a disabled person further into a dependent role, in which he or she can exercise few personal decisions. One small exception to this lies in the possibility of purchasing personal items such as toothpaste, candy, newspapers, and magazines. It's not much, but at least the person can exercise a free choice in these matters, and not be accountable to the institution's regulations and schedules.

**Maybe Yes, Maybe No:** This opportunity, however, for many disabled persons depends upon a "comfort allowance" which may or may not be provided. Under the cost-sharing agreement with the Federal Government, provinces may pay a personal allowance to persons in need who are residing in a hospital or a home for special care.

**"Charity":** In some cases, this allowance is sent to the institution, rather than to the individual. In other cases, the individual is required by the institution to sign over this allowance as a condition of residence. The sums involved may vary from \$30 to \$90, depending on the province. But many disabled persons say that after extra expenses such as laundry that they end up with as little as \$9 per month. Whatever the arrangement or amount, many disabled persons find this "comfort allowance" demeaning in the way it is provided, because it smacks of "charity" on the part of the institution--when in fact, the funds are provided by the provinces and the Federal Government.

**Make it Uniform:** Human dignity is a crucial issue for disabled persons. This personal allowance should not be another instance where they are made to feel inferior. The Committee recommends, therefore, that the Federal Government and provinces agree to provide a minimum allowance which goes directly to all disabled persons in institutions.

**1982: NOT IMPLEMENTED**

**Provincially Granted:** There is no reported action on this recommendation by the Federal Government. Currently, there is federal cost-sharing in provincially granted comfort allowances under the Canada Assistance Plan, but there is no requirement that the provinces must provide such allowances.

**Not Receiving:** The Canadian Association for the Mentally Retarded supports this recommendation for persons who need to be in institutions. The Canadian Mental Health Association reported instances where psychiatrically disabled "Homes for Special Care" are not receiving comfort allowances.

**Not Adequate:** The Committee feels there has not been adequate action on this recommendation and that it has not received attention because it is not a high priority item. Although small in amount, such allowances mean a great deal to institutionalized disabled persons. The Committee feels that action should be taken to ensure that persons in an institution have this small measure of human dignity.

44 **PROVIDE EXTENDED BENEFIT PERIOD TO DISABLED WORKERS WHO ARE UNEMPLOYED**

That, until a Comprehensive Disability Insurance Program takes effect, the Federal Government amend the Unemployment Insurance Act to:

- . Provide an extended benefit period for unemployed disabled workers in addition to their basic entitlement;
- . Increase the amount paid to an unemployed disabled worker from the current rate of 60% of an average weekly wage to 75%, in consideration of the extra costs incurred by the person in searching for new employment.

**Greater Difficulties:** Unemployed workers who are disabled face greater problems and costs in securing a new job than do workers who are not disabled. In many instances, the disabled person is forced to pay taxi fares to attend job interviews which non-disabled persons can travel to on foot, by public transit or by personal car. The time involved for each job interview is much greater for the disabled person. This cuts down on the number of possible interviews, and lessens the ability of the disabled person to respond quickly to a new job opening.

**Common Sense:** The Committee sees it simply a matter of fairness and common sense to provide extra assistance to unemployed disabled workers. The proposed Disability Insurance Program would provide this protection. Until it takes effect, the Unemployment Insurance Act should be amended as a temporary measure to provide the required assistance.

1982: WITHDRAWN

**Further Study:** The Canada Employment and Immigration Commission says that the recommendation requires further study, and that it will be considered

along with the recent task force report: Unemployment Insurance in the 1980's.

**Additional Difficulties:** The recommendation has received strong support from various associations--the Canadian Co-ordinating Council on Deafness, the Canadian Council of the Blind, the Canadian Association for the Mentally Retarded--because it recognizes the additional difficulties of a disabled person in finding a job.

**Reimbursement:** The Advisory Committee on Employment of Physically Disabled to the President of the Treasury Board rejects the concept of receiving a different rate of insurance. Instead, it prefers reimbursement for certain handicapped-related expenses upon presentation of receipts.

**Extended:** The Coalition of Provincial Organizations of the Handicapped (COPOH) prefers reimbursement for expenses through revision of existing programs such as the Mobility Program, and does not want a "special" insurance provision. On March 27, 1982, COPOH passed a resolution stating that "existing CEIC programs include extra costs of job search and it should be extended to all costs of disabled persons".

**Urgency:** Disabled persons incur more expenses in finding employment. Therefore, the unemployment benefits should take this factor into account. The Committee recognizes the significance and urgency reflected in the COPOH analysis. Rather than prolonging a debate on various administrative approaches to address this issue, the Committee withdraws its original recommendation and endorses the position articulated by COPOH. Unemployed disabled persons require more assistance than do able-bodied persons. Revisions to existing CEIC programs can best accommodate and respond to this very real need for financial help.

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45 PROCEED WITH PENSION CONFERENCE BEFORE THE END OF 1981

That the Federal Government proceed with the proposed Pension Conference and that it be held before the end of 1981.

That the background papers prepared for the Conference be available to the general public.

That the Conference examine all aspects of disability insurance, including the practice of reducing benefits under private plans where a beneficiary is, or becomes, entitled to benefits under a public plan.

**Confusion:** The sale of pension plans both to individuals and to groups is one of the fastest growing product areas within the private insurance industry. It is also one of the most confusing subjects to understand for many consumers. The plans differ from one insurance company to the next, and from one customer to another. There are different terms, different rates, different types of coverage, and different exclusions. As a result, disabled persons are faced with a mountain of confusing and sometimes conflicting information about a subject that is of vital importance to their income.

**Proceed:** A Federal Government sponsored conference to clarify the pension policies and practices of the Canadian insurance industry has already been planned, but then was postponed. The Members of the Committee feel that this is a topic of great importance to all Canadians, but especially to disabled persons. The Federal Government, therefore, should proceed with the Conference as planned. It is important that the agenda deal specifically with all aspects of disability plans, since these directly affect the income of many disabled persons. The Conference should be organized and held before the end of 1981.

**1982: NOT IMPLEMENTED**

**Not Included:** The Minister of National Health and Welfare decided that the primary focus of the Conference should be the subject of the greatest concern to the largest number of Canadians--private pensions for retirement. It was decided, therefore, not to include disability pensions in the agenda.

**Co-operative Study:** In a speech to the United Nations on December 7, 1981, the Minister proposed that the Federal and Provincial Governments co-operate on a study of national disability insurance schemes. Other organizations have voiced an interest in similar studies. The Coalition of Provincial Organizations of the Handicapped (COPOH) resolved at its last annual meeting to study disability insurance, and the Canadian Life and Health Insurance Association suggested a working group be formed to review the current system. The Government of Saskatchewan held hearings on a provincial disability insurance plan in February 1982.

**Federal-Provincial:** At a meeting of Federal-Provincial Ministers of Social Services in February 1982, it was agreed that a study of comprehensive disability protection program would be conducted, and that this study would include both insurance-based approaches, and non-insurance options.

**Disappointed:** The Committee is disappointed that the pension conference did not include the subject of disability pensions. Statistics indicate that four million Canadian workers are covered by private sector long-term disability insurance and two million workers are covered by shorter term disability insurance. Approximately 11 million Canadians have disability coverage through the Canada Pension Plan/Quebec Pension Plan. The Committee feels that disability insurance is a vitally important subject which merits full discussion. The Committee is pleased, therefore, that the Federal-Provincial Task Force on Comprehensive Disability Protection will include this topic.

46    AMEND INCOME TAX ACT TO OFFSET COST OF DISABILITY

That, in order to help offset the cost of disability, the Federal Government amend the Income Tax Act as follows:

That the current flat rate deduction be replaced by a disability deduction whereby a person may claim for himself/herself or a dependent the full cost of goods and services directly attributable to a severe and prolonged disability;

That those goods and services currently included in the medical expenses deduction and which are clearly attributable to a severe and prolonged disability be transferred to the proposed disability deduction; and

That a severe and prolonged disability refers to those persons who live at home and:

- . Are covered presently by a flat rate deduction, or
- . Are deaf or have a major hearing loss, or
- . Are in receipt of full disability benefits under the Canada Pension Plan, Quebec Pension Plan, Department of Veterans Affairs or Workmen's Compensation, or
- . Are or were registered in a provincial vocational rehabilitation program for disabled persons funded by the Federal Government,

or

That a refundable tax credit be provided if the disabled person's income is too low to take advantage of the entire deduction.

**Expanded Coverage:** Disabled persons often lose much of their income at a time when basic expenses are significantly increased. The Income Tax Act should now be amended to assist disabled persons in carrying these extra costs. The amendment would expand the number of persons who can apply for a disability deduction. It would also reflect more accurately all of the extra costs that are directly attributable to a disability.

#### 1982: UNDER CONSIDERATION

**Tax Concessions:** In a letter responding to a constituent's complaint in this area, the Minister of Finance stated that his department was reviewing the income tax concessions currently available to the disabled as well as the recommendations of the Committee.

**Abnormal:** Existing income tax provisions relate to abnormal economic hardships directly resulting from identifiable disability and handicap. "Abnormal" is determined to mean that which is above 3% of one's income.

**Two Options:** The existing tax system provides relief only to those persons with enough income to be taxable. The system "has not, as yet, generally embraced a refundable tax program as a fundamental feature". The Minister stated in a letter to the Committee that "Many of the disabled do not, in fact, pay any tax because of their relatively low incomes and would thus not benefit from a larger tax deduction. You [the Committee] propose that a refundable tax credit be provided to those who are not in a taxable position. While this would ameliorate this particular problem, it would not resolve it. Also, once the tax system was being used to provide benefits to all disabled persons, regardless of their tax status, the arguments for using that delivery mechanism would be less and it could be preferable to provide the benefits directly through a grant program. My preference, quite frankly, would be to provide a greater measure of relief to those with modest incomes."

**Process:** The Minister also stated that he was unable to proceed unilaterally on tax recommendations. "They need to be initially reviewed



by the Minister of Health and Welfare and the Minister of State for Social Development who have the primary responsibility for this policy area." The Minister of Finance also pointed out that there are technical concerns which require further analysis. "For example, I believe that your proposed definition of disability also required more study."

**Integrated Package:** The Department of Finance is awaiting a presentation by the Department of National Health and Welfare which will be a "comprehensive integrated package for federal assistance to the disabled". When this presentation is made, the Department of Finance feels that any subsequent amendments that are made to the Income Tax Act must await the choice of an expenditure program--whether through tax expenditures, or direct grants.

**Strong Support:** This particular recommendation made by the Committee had received strong support throughout the disabled community in Canada:

- . The Canadian Hearing Society feels that the recommendation should be a high priority for the Federal Government.
- . The Canadian Mental Health Association wants "psychiatrically disabled" persons to be included.
- . The Canadian Association for Mentally Retarded feels that deductions "should be realistically related and not under any sort of artificial percentage of blanket figure".
- . The Mayor's Task Force (Toronto) feels that eligible deductions should be explicitly defined.
- . The Canadian Co-ordinating Council on Deafness supports the idea of tax credit because tax deductions favour high income earners.

- The NWT Association for Children with Learning Disabilities states that learning disability should be clearly defined as a major and prolonged disability.

**Eliminate Inequities:** The Committee realizes that alterations to income tax provisions are, indeed, a complex matter, but the inequities in the existing system were aptly demonstrated during the Committee's hearings. The Committee urges the Department of National Health and Welfare and the Ministry of State for Social Development to proceed in the preparation of policy initiatives related to the implementation of this recommendation. The Committee also urges the Department of Finance to proceed with an analysis of technical problems in order to expedite amendments to the Income Tax Act.

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#### 47 **AMEND INCOME TAX ACT TO ENCOURAGE HOMEOWNER RENOVATIONS**

That the Federal Government amend the Income Tax Act in order that a homeowner may claim the following:

- A deduction based on the actual cost directly related to making a dwelling more accessible.
- A refundable tax credit, if no deduction or only a partial deduction, was available because the homeowner's taxable income was too low to take advantage of the entire deduction.

**Fairness:** Other recommendations in this report call for tax deductions to encourage accessibility in work places and revenue-earnings dwellings. But a private homeowner who renovates his dwelling to make it accessible for a disabled person, receives no tax break. The Committee believes that a deduction should be provided under the Income Tax Act covering the entire cost of renovation. If the renovation costs are greater than the person's taxable income, then the difference should constitute a tax credit.

**1982: UNDER CONSIDERATION**

**Waiting:** There has been no comment from the Minister of Finance other than that the Department is studying the recommendations, but will not make any amendments until the Minister of National Health and Welfare presents a comprehensive integrated package for federal assistance to the disabled.

**Essential:** The Committee appreciates the reasons for waiting, but feels that the Department must take some immediate steps to eliminate the inequities in the tax system. Several groups have pointed out to the Committee the importance of new income tax provisions:

- . The Canadian Co-ordinating Council on Deafness feels that it is essential for the hearing-impaired to be included, so that devices such as special alarm systems in buildings can be tax-deductible.
- . The Mayor's Task Force (Toronto) feels that such deductions should also include renovations which make commercial areas accessible to the disabled.

Under the current legislation, there are contradictions which make accessibility difficult to achieve. For example, special devices to assist disabled persons in toileting are tax deductible, but renovations to make the doorway to the bathroom wider so that the disabled persons can have access to the bathroom are not. The Committee feels that in specific instances such as these, the Department of Finance can act immediately to provide deductions, without waiting for the presentations from other departments.

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**48 AMEND INCOME TAX ACT TO ENCOURAGE ON-THE-JOB TRAINING**

That the Federal Government amend the Income Tax Act and the Regulations thereunder in order that an

employer may deduct for each new disabled employee up to 85% of the first year's wages, 50% of the second and 25% of the third, and combined with

A refundable tax credit if no deduction, or only a partial deduction, was available because the employer's revenue was too low to take advantage of the entire deduction.

**Crucial:** A major obstacle to employment for disabled persons is the fact that they cannot secure suitable work experience. They are faced with a perpetual situation where they cannot get a job because they do not have the experience, and they cannot get the experience because they do not have a job. The Income Tax Act should be amended to encourage employers to provide more on-the-job training opportunities.

#### 1982: UNDER CONSIDERATION

**Under Study:** There has been no comment from the Minister of Finance other than that recommendations are under study. The Advisory Committee to the President of the Treasury Board on Employment of the Handicapped feels that such measures should be temporary.

**Proceed Quickly:** The Committee has received widespread support for this recommendation from organizations representing disabled persons, including

- . The Canadian Hearing Society, which feels that such measures would result in expanded job opportunities for deaf people, as soon as the red tape is reduced.
- . The Canadian Mental Health Association, which supports the recommendation as long as psychiatrically disabled are included.

The Committee feels that the Department of Finance should demonstrate a commitment to improving the integration of disabled persons in society by proceeding with these tax amendments as quickly as possible.



49 DIRECT REVENUE CANADA TO CLARIFY TAXATION OF IMPORTED TECHNICAL AIDS

That for importing aids, Revenue Canada make available to disabled persons and to disabled consumer groups, information clearly setting out:

- . The technical aids which may presently be imported without payment of customs duties and federal sales tax;
- . The documents and procedures required to import these free of duty and tax;
- . A simple procedure and application for having additional items exempted from either duty or tax.

That customs officers be fully informed of the relevant exemptions for technical aids for disabled persons and procedures;

That the Federal Government amend the Customs Tariff and Excise Tax Act to provide a general category of technical aids exempt from customs duties, federal sales tax, or both.

**Don't Know:** Many technical aids required by disabled persons must be imported into Canada. This causes many problems because information clarifying the taxation policies that govern these imports is not readily available. Customs officers are not always familiar with exemptions or procedures. Disabled persons are not well informed of either. New devices are constantly being developed, but only those items specifically listed are exempt, and disabled persons have found great difficulty in getting the list amended.

**Broader:** Along with better information, Revenue Canada should also provide for broader exemptions. At the present time, institutional purchases are exempt, but those made by individuals are not. This is patently unfair

since the individual disabled person is often in dire economic straits and the imported device will have more immediate practical consequences.

**1982: NOT IMPLEMENTED**

**Detailed Instructions:** The Department of National Revenue publishes detailed instructions on procedures for obtaining exemptions. The Department states that interested groups may ask to be on the mailing list. The Committee feels that this attitude places the onus on the individual or group to contact National Revenue, whereas the Department should be taking the initiative in producing and disseminating information on the procedures for tax exemption.

**No General Exemptions:** The Department also states that it will not grant a general exemption because of the possible misuse of such an advantage. For example, according to the Department, devices for the deaf may be used by non-deaf persons in companies with noisy environments! This attitude means that disabled persons must present a medical certificate before being eligible for an exemption in purchasing a technical aid. The Canadian Hearing Society feels that devices used by disabled persons are generally not used for other purposes. The Society feels that a simple identification card from a recognized agency should suffice in obtaining an exemption.

**Subjective Decision:** The Minister of Finance replied "that general rules have to be imposed for all goods which have the potential to be used by both the disabled and by persons without disabilities; in many instances, it is a subjective decision as to whether or not a specific article may be used only by the handicapped."

**Streamlined:** The Committee believes that current administrative practices at the Department of National Revenue cause frustration and inconvenience for individuals, associations and employers, and that such procedures must be streamlined as quickly as possible.

**Detailed Complaint:** The Committee received a detailed complaint from the Municipality of Metropolitan Toronto, describing its difficulties in obtaining an exemption from federal sales tax on aids and devices to be used by disabled employees in the workplace. Since the City of Toronto is neither an "institution" nor an "association" the federal sales tax was applicable. The City further objected to the time-consuming process of obtaining a medical certificate to prove disability in order to apply for an exemption for purchasing essential equipment meant for the sole use.

The Committee reiterates its original recommendation and urges the Minister of Finance to re-examine the subject of exemptions for disabled persons.

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#### 50 EXEMPT AIDS FOR DISABLED PERSONS FROM CUSTOMS DUTIES

That the Federal Government take the necessary steps to participate in the protocol under the Florence Agreement and thereby exempt from customs and other duties those items needed by the physically and mentally disabled and imported from countries that are party to this Agreement.

**Eliminate Taxes:** The Florence Agreement eliminates tariffs, discriminatory taxation on a wide range of published materials, art objects, antiques, plus audio-visual materials with an educational, scientific, or cultural character when imported by an approved institution within one of the 68 countries that are party to this Agreement.

**Educational:** Included within the Protocols of the Florence Agreement are provisions for educational materials which are used to bring services to mobility-disabled persons. The institutions and organizations which provide these services to disabled persons are usually operated on very limited budgets. Participation by Canada in the Florence Agreement, will

make it possible for them to import necessary materials of superior quality from abroad. It will also make it possible for Canadian organizations to create educational materials for disabled persons and sell it without taxation within those other countries which are party to the Agreement.

**1982: COMMITTED**

**Duty-free Entry:** In the November 12, 1981 Budget, tariff item 47800-1 gives authority to the Governor in Council to provide duty-free entry for goods which are specifically designed for the use of disabled persons. This is an important consideration because it will provide more flexibility in speeding the process of removal of duty from specially-designed aids and devices which must be imported into Canada. The Budget specifically includes in this category electronic devices designed to aid persons with speech defects, and selector control devices of a kind not presently produced in this country.

**Much Broader:** The Minister of State (Finance), wrote that "Although Canada is not a signatory to this (Florence) Agreement, most of the products covered by the Agreement are accorded duty-free entry into Canada and in the case of aids for the disabled, Canadian duty-free provisions are much broader than those of the Agreement."

The Committee feels that these Budget provisions, when implemented, will support the general thrust of the recommendation.

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## INFORMATION AND COMMUNICATIONS

### 51 ENSURE ACCESS TO INFORMATION AND ENTERTAINMENT FOR DISABLED PERSONS

That the Federal Government direct the Minister of Communications, in consultation with disabled consumers and their organizations, to develop and publish a Communications Policy for Physically Disabled Persons, to ensure access to the same type of information and entertainment available to able-bodied persons.

That the Federal Government, in consultation with disabled consumers and their organizations, convene a national conference on "Communications and the Physically Disabled" as an important step in the policy development process.

**Uncoordinated:** A national policy on the communications needs of physically disabled persons has not yet been established. As a result, current programs are developed on an ad hoc basis. Treatment is different for the various groups of disabled persons. Technical and methodological innovations, such as Teledon, go unannounced or are poorly explained in the communities which could benefit from them most. Technical aids and devices, such as captioning equipment, which could be produced in Canada, must currently be imported, or utilized elsewhere. Some communications needs are over-emphasized, others are completely ignored. With over one million physically disabled persons in the country, a national policy on their communications needs must be developed.

**Action:** The Committee believes that the Federal Government should direct the Minister of Communications to take immediate action on two fronts: One, that the Minister develop a national communications policy for physically disabled persons; and, two, that the Minister convene a national conference on this subject as a first step in developing this policy.

**1982: COMMITTED**

**Supportive Actions:** The Department of Communications acknowledges to the Committee that no formal policy on "communications and the physically handicapped" exists, but feels that actions of the Department during the past year indicate its commitment to the objective of such a policy. These actions, the Department contends, are directly supportive of the policy of greater access to the same kind of information and entertainment for disabled persons as is now enjoyed by able-bodied persons.

**Advisory Committee:** The Minister of Communications proposes, instead of a national conference, the establishment of an advisory committee which would include disabled organizations as well as industry representatives. The Minister believes that such a consultative group, meeting on a continual basis, would be more effective than a once-only conference.

**Provincial Emphasis:** The Minister also reports that he has brought the pertinent recommendations to the attention of the provincial ministers of communications. Following a Federal-Provincial meeting they issued a joint communique resolving to work within their respective jurisdictions to improve access to communications for disabled Canadians.

**Formal Policy:** The Committee commends the Minister for his interest and concern in this matter, and particularly for the initiatives in Federal-Provincial matters. The Members urge that the advisory committee proposed by the Minister be established as quickly as possible, and also that the Minister establish a formal policy governing communications and disabled persons, so that succeeding ministers of communications will follow the initiatives that he is taking.

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52 REQUEST CBC TO PRODUCE RADIO PROGRAMS FOR VISUALLY AND PRINT HANDICAPPED

That the Federal Government request the Canadian Broadcasting Corporation (CBC) to produce a few hours daily of radio reading programs of national interest to visually and print-handicapped persons in both official languages;

That the CBC transmit these programs, using existing capacity, and make them available to cable systems and local radio stations;

That provincial governments and local organizations be encouraged to fund and assist in the production of programs of local or regional interest;

That, as part of their community service programming, cable systems be required to provide a channel and facilities for a radio reading service.

**Essential:** Radio reading services offer great benefits to persons whose disability prevents them from reading. These are special programs which provide in-depth reading of newspapers, periodicals, and best seller books. The programs are a simple, effective means for disabled persons to receive up-to-date information about life in their communities. At this time, these services are not readily available in Canada.

**Growth:** In the United States, the growth of these special services has been remarkable. In 1969, the first station began offering a reading service. Now there are 108 stations offering the service to 41,000 print-handicapped persons in 33 states. The potential audience is estimated at over three million. By contrast, Canada has only one station offering this service - Radio Reading Service - in Oakville, Ontario, which has a listenership of 300 persons. The low audience directly results from the necessity of a special receiver in order to pick up the signal broadcast on the non-commercial wave-length.

**Piggy-back:** Every FM radio station has two channels: its main one, and a side band. A technique known as "SCMO" (subsidiary communications multiplex operations) allows the stations to broadcast different programs at the same time on the two channels. The side band "piggy-backs" on the broadcast power of the main channel. This side, or SCMO, channel is ideal for radio reading services because it uses only a small portion of the radio spectrum. If these SCMO channels were used for this purpose, it would mean that a significant amount of programming would be made available to disabled persons without altering existing FM programming to non-impaired listeners.

**Willingness:** The Canadian Broadcasting Corporation has already voiced its willingness to work toward the transmission of reading services. The Committee believes that the CBC should produce several hours of radio reading as part of its daily programming. It should then make these programs available to other broadcasters for use on their channels.

**Cable:** Cable TV offers an excellent opportunity for readership services. More than 75% of the Canadian population can utilize cable, and there is a good deal of programming time which could be utilized for this reading service, especially during daytime hours.

#### 1982: COMMITTED

**Consider Requests:** The Minister of Communications has brought this to the attention of the President of the Canadian Broadcasting Corporation (CBC), provincial ministers, the Chairman of the Canadian Radio-television and Telecommunications Commission (CRTC) and the President of the Canadian Cable Television Association (CCTA). The CBC responded by stating that it does not see itself as either the operator of such a service or the producer of programs in this regard, but it is prepared to consider requests from established radio reading services for the use of the SCMO (Subsidiary Communications Multiplex Operations) channel of CBC-FM-monophonic stations.



**Provincial Action:** The recommendation also elicited response from provincial authorities. The Premier of Newfoundland has asked the Minister of Education in that province to consider a possible role which the Newfoundland School Broadcasts might play in bringing more programs to print-handicapped persons. He also wrote a letter of encouragement to cable operators and local broadcasters to take a more active role in providing reading services.

The Province of Prince Edward Island is encouraging programs of a local and regional nature. The Province of Ontario is funding the Oakville service which was mentioned in the original recommendation.

**Unused Time:** The President of CCTA felt that the association members would not object to broadcasting a radio reading service during the unused time on their community channels provided that the service was prepared and programmed by others.

The Committee recognizes the personal commitment that has been shown by officers at the Department of Communications, and feels that through their activity and lobbying with other authorities and organizations that the Department is supporting the intent of the recommendation.

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### 53 AMEND COPYRIGHT ACT TO EXEMPT MATERIALS NEEDED FOR BLIND PROGRAMS

That the Federal Government immediately amend the Copyright Act to exempt from infringement the non-profit transcription into other media of reading materials for the use of visually and print-handicapped persons.

That this exemption specifically allow for broadcast both on regular AM/FM channels, and on cable, of

newspapers and periodicals, within a reasonable delay following their appearance on newstands.

**Common Sense:** Copyright laws protect authors and publishers from pirating original work by other commercial enterprises. These laws should not apply to transcriptions of books into braille, audio-cassette production, or into broadcast productions for the benefit of visually and print-impaired persons. Organizations which provide these transcriptions are non-profit, and their only concern is to provide greater information and entertainment to people whose disability prevents them from reading.

**Regular AM/FM:** The proposal here is for an amendment to the Copyright Act which would allow transmission on regular frequencies of newspapers and periodicals, but not requiring a special receiver. Obviously, there should be a reasonable delay between the time these publications reach the newstands and the time they are read on the airwaves.

**U.S. Amendment:** The U.S. Copyright law was amended in 1976 to allow these special transcriptions of printed materials on frequencies requiring special receivers. This amendment recognizes that transcription services are largely provided by voluntary organizations which have little or no money to pay for copyright permission.

#### 1982: COMMITTED

**Work Underway:** The Minister of Consumer and Corporate Affairs reported that work is underway on amendments which will grant special treatment for non-profit transcription of reading material into other media.

**Compulsory License:** In July 1981, the Minister of Consumer and Corporate Affairs and the Minister of Communications commissioned an independent research study on exemptions. The study recommends a compulsory licence which will cover the transcription of materials not only for the benefit of print-disabled, but for all persons with perceptual disabilities.

The Departments feel that this initiative is superior to the actions in the original recommendation of OBSTACLES, and has sent the research study to COPOH, the Coalition of Provincial Organizations of the Handicapped, for comment.

**Cabinet Submission:** The Minister of Consumer and Corporate Affairs is preparing a Cabinet submission based upon the research study, and the recommended changes are scheduled for completion by July 1982.

**Quick Response:** The Committee applauds these Ministers for their quick response to the recommendation and wishes to acknowledge that their work will assist an even greater number of disabled persons that was originally envisaged.

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#### 54    **CRTC TO REQUIRE CAPTIONED PROGRAMMING AS CONDITION FOR TV BROADCAST LICENSE**

That the Federal Government request the Canadian Radio-television and Telecommunications Commission (CRTC) to require all television broadcasters, as a condition of their broadcasting license, to provide a significant amount of Canadian and imported captioned programming within a reasonable period of time.

**Breakthrough:** TV technology now makes it possible for viewers with special cable decoding equipment to receive captioned messages in programs where other viewers would see only the program. This is known as "closed captioning"--as opposed to conventional or "open" captioning, which is seen by all viewers. Closed captioning opens wide possibilities for deaf people to receive greater benefit from television. Leaders in the deaf community see television as a crucial solution to many of the information and entertainment needs facing the deaf community.

**Heavily Cabled:** Canada leads the world in accessibility to cable TV, with more than 75% of the country's population being able to receive cable programs. At present, however, only Rogers Cable in Toronto has established a special Channel for the Deaf which provides captioned programming specifically for the deaf community. Thirty-one other companies do, however, produce and transmit a limited number of programs for the deaf on normal community channels.

**Requirements:** What is needed now is a national policy on closed captioning that will apply to all television broadcasters in Canada. There must be a national captioning capacity similar to one already in operation in the United States (see Recommendation 55), which will provide broadcasters with a regular captioning service.

**Incentive:** There are obviously problems to be solved before this service is available to hearing-impaired persons on a wide-scale basis. But these problems will only be solved quickly if the broadcasters are prompted to make changes now. The Committee, therefore, believes that the CRTC should require that all Canadian TV broadcasters, as a condition of their license, to provide a significant amount of Canadian and imported captioned programming within a reasonable amount of time. The technical and organizational problems will be solved only when the broadcasters are totally committed to captioned programming as part of their regular service.

#### 1982: COMMITTED

**Voluntary Route:** The Minister of Communications is supportive of the objective of this recommendation, but feels that a voluntary route is preferable. He stated that "we should continue to encourage the broadcasters to move further in this direction of their own volition". The Minister also stated that he had asked the Chairman of the Canadian Radio-television and Telecommunications Commission (CRTC) for a reply to this recommendation. The response which came back is that the CRTC, also, prefers the voluntary route, and that the replies from broadcasters which had been received were generally favourable.



**Approved Applications:** CRTC has approved applications related to captioned programming which have been submitted by CBC, CTV, Ontario Educational Communications Authority, and Global Televison.

CRTC is also questioning applicants which appear before it as to their intentions regarding captioned programming. This practice began during the recent hearings which led to the approval of applications for pay-TV in Canada.

**Canadian Programming:** The CBC is taking steps to establish regular closed-captioned Canadian programming, with a goal of five hours per week in each language during prime time telecasting. The first closed-captioned Canadian program by the CBC was "Clown White" (Chanson sans parole) which was aired in late November 1981.

**Excellent:** The Canadian Hearing Society felt that the Committee's original recommendation was "excellent", but suggests that the minimum should be 20 hours per week. The Canadian Co-ordinating Council on Deafness told the Committee that this recommendation is of "extreme and basic importance" to their clients.

**Concerned:** The Committee feels that CRTC has responded to the intent of the recommendation, but it is concerned about the use of voluntary compliance.

Therefore, the Committee would like there to be an assessment of the situation in 3 to 5 years to ensure that the voluntary route is really working. If it can be shown that it is, then the Committee is satisfied with the CRTC's initiatives. Otherwise, the Committee urges compulsory implementation in this matter.

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## 55 ESTABLISH CAPTIONED PROGRAMMING CENTRE IN CANADA

That the Federal Government proceed immediately with the establishment or the funding of a centre to produce captioned programming in both official languages.

That the deaf and hearing-impaired community be fully involved in the management and the policy development of the centre.

**U.S. Example:** Three of the four major American TV networks--NBC, PBS and ABC--provide captioned programming which they purchase from the National Captioning Institute. The Institute employs highly-skilled staff and charges \$2,000 per program hour to produce the captioned component.

**No Canadian:** At this time, no Canadian captioned programming is available because there is no centre like the National Captioning Institute in this country. The National Film Board has developed a proposal for such a facility, but no action has been taken.

**Willingness:** The Canadian Broadcasting Corporation has expressed willingness to provide five hours per week of captioned programming on both the English and French networks if they have the funds, and if a Canadian captioning centre is established. The Committee believes that the Federal Government should, therefore, move quickly to develop a plan for a Canadian Captioning Centre which would produce Canadian-content programming in both official languages. This facility should be established immediately. The Committee does not feel strongly whether the facility is government or privately operated. It is essential that this proposed centre make use of the expertise already developed in the U.S., and that it directly involve members of the deaf community as planners and staff.

## 1982: IMPLEMENTED

**Initial Consultation:** In response to the OBSTACLES report, the Minister of Communications announced in May 1981 the appointment of an individual to

consult hearing-impaired organizations, broadcasters, and cable representatives about the establishment of a self-supporting Canadian captioning service.

**Speed Essential:** The organizations representing disabled persons has stressed the importance of this recommendation. The Canadian Co-ordinating Council on Deafness said that "Speed of implementation is of the essence" and did not feel strongly, one way or another, about who operates such a service. The Council did stress that any such service must involve hearing-impaired persons in its policy-making. The Canadian Hearing Society gave its full support to the recommendation and stated that it should be given the highest priority by the Government. The Society also feels that the service should be government-operated in order to provide the quality of service needed by its clients.

**Establishment:** After a year of consultation, the Minister of Communications announced shortly before this report was published that his Department would establish and fund a centre to produce Canadian captioned programming in both official languages. The Canadian Captioning Development Agency (CCDA), a non-profit private sector enterprise, has recently been incorporated with its head office in Montreal and a liaison office in Ottawa. The Department of Communications will provide start-up funding to CCDA of \$350,000 over its first three years in operation.

**Full Recovery:** The new Agency is expected to operate on a full cost recovery basis, and is scheduled to have Canadian captioning centres functioning in both Montreal and Toronto by the end of 1982. Hearing-impaired individuals and organizations will be included on the CCDA Board of Governors.

**Major Steps:** The Committee considers the establishment of this new agency to be a major step in increasing information and communication to hearing-impaired Canadians, and applauds the actions of the Minister of Communications for bringing CCDA into existence.

56    **REDUCE TELEPHONE RATES FOR HEARING-IMPAIRED PERSONS WHO NEED SPECIAL TDD EQUIPMENT**

Your Committee applauds the initiative taken by Bell Canada in proposing, and the Canadian Radio-television and Telecommunications Commission (CRTC) for approving on an interim basis, a 50% discount on customer-dialed intra-Bell long distance rates for hearing-impaired customers who need a teletypewriter (TDD) unit to communicate over the telephone.

Your Committee therefore recommends:

That all Canadian telephone companies be encouraged to apply for a similar rate reduction;

That the CRTC approve substantial rate reductions on a permanent basis;

That reductions be available to hearing-impaired persons whether using a residence or other telephone;

That the reduction be extended to the speech-impaired who also need a TDD unit to communicate over the telephone;

That provincial telephone regulatory agencies be encouraged to adopt a similar policy.

**More Time:** Hearing and speech-impaired persons who must use teletypewriter equipment over the telephone need more time to make a call. This means that long distance calls for these persons are much more expensive than for a non-disabled person.



**Pioneer:** Bell Canada became one of the first telephone companies in North America to introduce discounted rates to cover long distance calls for some disabled persons. The Bell discount is 50%, and applies only to residence telephones.

**Expansion:** The Committee commends Bell Canada for this first step. It now believes that what is currently a trial service be established on a permanent basis, and that the service be extended to other telephones besides the person's residential telephone. Some teletypewriter units are portable, so there is no reason why a person should not be able to telephone from other locations--and be charged to the home telephone in the same manner that non-disabled persons are for long distance calls. Bell should also extend the discounted rates to those persons who are speech-impaired and must use a teletypewriter.

#### 1982: COMMITTED

**Awaiting Study:** The Canadian Radio-television and Telecommunications Commission (CRTC) is awaiting a Bell Canada user study, expected shortly, before determining the most appropriate rate reduction. The Bell study will cover individuals who have teletypewriters and presently receive a 50% discount.

**Should be 60%:** The Canadian Co-ordinating Council on Deafness felt that the reduction should be increased to 60% and should apply for all users wherever the TTD is used. That is, it should also cover the relatives of the hearing-impaired customers.

**Initiatives:** The Minister of Communications approached the President of Trans-Canada Telephone System (TCTS) requesting that the member companies be made aware of the OBSTACLES recommendation, and received assurances that this request would be carried out. The Minister also asked the provincial Ministers of Communications for support. Saskatchewan already has this

policy in place, Prince Edward Island and Ontario expressed support, and other provinces passed the recommendation on to their telephone regulatory boards for consideration.

**Commendable:** The Committee feels that the Minister of Communications has shown strong support for this recommendation through his various initiatives, and commends him for his efforts.

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**57 SPECIAL TELEPHONE EQUIPMENT FOR DISABLED PERSONS BE PROVIDED UNDER BASIC MONTHLY CHARGE**

That the Federal Government recommend to the Canadian Radio-television and Telecommunications Commission (CRTC) that special equipment required by physically disabled persons to facilitate their use of the telephone be included in the basic monthly charge.

That provincial telephone regulatory agencies be encouraged to adopt a similar policy.

**High Cost:** The telephone is a more important device for many disabled persons than it is for the general public. In cases of emergency, it can be their only way to reach help. Yet for many disabled persons, particularly those with hearing and speech impairments, the telephone is of use only when special attachments are available. These include amplifiers and teletypewriter systems, which are extremely expensive for persons whose only income might be a pension.

**Regular Fee:** Some way must be found to make this equipment less costly for disabled persons. During a recent Bell rate increase hearing before the CRTC, the CRTC stated that such equipment should be priced as low as

possible, and that the same kind of discount apply to the purchase or rental of this equipment as now applies to long-distance rates, (see Recommendation 56). In other words, disabled persons should receive use of this equipment at a rate comparable to the use of a regular telephone by non-disabled persons. The Committee recommends that the CRTC now make this a requirement for Bell, and that the provincial telephone regulatory agencies be encouraged to adopt a similar policy.

#### 1982: COMMITTED

**Awareness:** The Minister of Communications wrote to the President of Trans Canada Telephone System (TCTS) asking that member companies be made aware of this recommendation, and received assurance that this would be done. The Minister also asked provincial Ministers of Communications for support, and received the following responses:

- . The policy has already been implemented in Prince Edward Island and Nova Scotia.
- . Alberta includes the costs of special amplifier phones in monthly tariff charges, and sells the Visual Ear at cost.
- . Saskatchewan already has this program.
- . Newfoundland will be proposing that such special equipment should be included in the monthly charge.
- . Ontario feels that the recommendation is not specific enough to allow for realistic assessment of costs. More study is needed before giving support to the recommendation.

**Strong Support:** The Canadian Co-ordinating Council on Deafness strongly supports this recommendation, and points out that the policy has been followed successfully for years by the Government of Saskatchewan. The

Canadian Hearing Society feels that this is an important recommendation, and asks also that public telephones should have volume controls.

The Canadian Radio-television and Telecommunications Commission will be reviewing rate proposals by Bell Canada during its summer hearings.

The Committee commends the Minister of Communications for his interest and support of this recommendation.

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**58 EQUIP FEDERAL OFFICES WITH SPECIAL TELEPHONE EQUIPMENT FOR DISABLED PERSONS**

That Federal Government offices (departments, agencies and Crown corporations) in major centres which are listed in the public telephone directory be equipped with at least one teletypewriter (TDD) such as the Visual Ear, in order to provide telephone access to hearing and speech-impaired persons.

**Extend Service:** Government organizations are exploring the possibility of using teletype equipment. Treasury Board, in conjunction with the Department of Supply and Services, is proposing to provide the special equipment to employees or successful job applicants who are hearing or speech-impaired. Air Canada is proposing to install equipment for the purpose of reservations in its Montreal offices. VIA Rail has already installed a central toll-free TDD facility in its cross-Canada reservation system. These are small beginnings to solve a large problem. The Committee believes that all Federal Government departments, agencies and Crown corporations which are listed in the telephone book should be equipped with teletype equipment. This will benefit all communication-disabled persons, both as members of the public and employees of these organizations.



**Cost:** The Visual Ear, which is a teletypewriter that has been developed by Northern Telecom, currently costs \$350 for certified disabled users, and \$375 for non-disabled users.

**1982: COMMITTED**

**Each Major Source:** Treasury Board has directed all agencies and departments under its authority to install and publish the telephone number of a "Visual Ear" at each major source of public information. The Department of Transport purchased four Visual Ears for its employees. VIA Rail has a TDD (Telecommunication Device for the Deaf) in its Reservia system, and Air Canada and CN Marine plan to do the same.

**Set Example:** The Canadian Hearing Society felt that this was an "excellent recommendation" and would set an example for private sector organizations.

**Frequent Use:** The Public Service Commission (PSC) has such telephones in each regional and district office and reports that "these are in frequent use".

**Direct Access:** The Committee welcomes the Treasury Board directive and feels that this initiative will increase the ability of the hearing-impaired population in Canada to gain direct access to government information and services. The Committee feels that the experience of the Public Service Commission, mentioned above, is a clear indication that the demand for this service exists in every part of Canada.

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**59 EQUIP FEDERAL CONFERENCE AND THEATRE CENTRES WITH SPECIAL EQUIPMENT FOR HEARING-IMPAIRED PERSONS**

That the Federal Government require the installation of sound amplification systems (audio-loop, FM or infra-red) in all of its conference and theatre facilities for the benefit of hearing-impaired persons.

That provincial and municipal authorities and private enterprises be encouraged to install this equipment in their facilities.

**Difficult:** For persons who are hearing impaired, participation in conferences or cultural events is difficult because hearing aids amplify all sounds and do not discriminate between wanted and unwanted signals. Sound amplification devices connected to PA or simultaneous translation systems are required to screen out unwanted noise.

**Available Technology:** Several different technologies are currently available to minimize these problems. The oldest system consists of a wire loop connected to the speaker outputs of sound amplifiers similar to multi-channel simultaneous translation systems. Sound radiates within the loop and is picked up by hearing aids set to a special setting (T-switch). More recent technology consists of FM or infrared transmitted PA/sound picked up by miniature receivers and connected to hearing aids set to a special setting (T-switch). This technology is also used for simultaneous translation systems.

#### 1982: UNDER CONSIDERATION

**Supportive:** The Department of Public Works (DPW) is supportive of providing such equipment. DPW has undertaken studies to determine the best available system and to identify additional facilities where such an installation would be appropriate.

**Parliament:** A temporary system was built, at the Committee's request, for one of the rooms on Parliament Hill. This was later designed into a permanent system by the Electronic Services Branch of the House of Commons. The technicians reported that the system was not difficult to build or install. The Canadian Co-ordinating Council on Deafness strongly supports this recommendation.

**Acknowledged:** The need for such systems has been acknowledged. Now is the time for action.

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## 60 NATIONAL LIBRARY TO CO-ORDINATE READING SERVICES FOR DISABLED PERSONS

That the Federal Government direct the National Library to proceed immediately with a program to co-ordinate reading services for visually and print handicapped persons.

**No Leadership:** Visually-impaired and print handicapped persons can make use of only those reading materials which have been transferred into audio records and tapes, or into large print format. In Canada, these people face two major obstacles in obtaining these special aids. One, not enough materials have been produced. Two, the Federal Government has not yet taken a leadership role in co-ordinating the materials that are available. The National Library of Canada is the logical organization to handle this responsibility. In fact, the Library had plans for a national program of services to visually-impaired and print handicapped persons. But in 1978 these plans were cancelled.

**Co-ordination:** The Library's program would have four components:

- . A registry of "reading" materials in production;
- . A catalogue of materials that are available;
- . An information and consultation service for special requests;
- . On ongoing liaison with agencies involved with the concerns of disabled persons.

**Abuse Goodwill:** At the present time, in the absence of a Federal Government initiative, Canadian agencies are relying on co-ordination programs in the U.S. to obtain information and materials. The Americans

are becoming increasingly reluctant to carry this service burden. Representatives from the U.S. institutions have expressed the hope that a nationally co-ordinated program in Canada will reduce what is becoming an abuse of their goodwill.

**Ready to go:** Provincial and municipal governments, as well as private institutions are eager to join a national program. The bulk of human and financial resources are already, or will be, provided at these levels. Some institutions, in need of action, have already embarked on projects which would be better undertaken by the National Library. The Committee, therefore, recommends that the Library proceed as quickly as possible with the plans that it had cancelled.

#### **1982: IMPLEMENTED**

**300,000 Persons:** On January 20, 1982, the Minister of Communications announced a \$175,000 program to be launched by the National Library to assist 300,000 visually and print handicapped persons. The program will do the following:

- . Provide advisory services to individuals.
- . Maintain a union registry of materials which are in production.
- . Include a union catalogue of specialized materials, thus avoiding duplication of effort among Canadian libraries.

**Much Needed:** This is a much needed service and the Committee congratulates the Minister for making this a priority item. The announcement, however, is only a first step, and the program must now become a reality. The Committee would like to see an outline of the services and how they will be provided, in order to see how the program will be carried out.



## 61 ESTABLISH CANADIAN INFORMATION RESOURCE CENTRE FOR DISABLED PERSONS

That the Federal Government, in co-operation with the provinces and the private sector, assist in the establishment of a Canadian Information Resource Centre on Disability to link up and co-ordinate information resources and to assist regional showrooms of technical aids.

That, pending the establishment of such a Centre, the Federal Government prepare and publish a directory of federal programs and activities of interest to disabled persons, as well as a catalogue of relevant research projects and studies.

**Great Help:** From its brief ten month experience, the Committee has discovered that there is a wealth of information about disability in all parts of Canada, and abroad. The work of the Committee would have been facilitated by the existence of a single centre where information on disability could be accessed. Such national centres or regional centres exist in the United States, Sweden and the United Kingdom, and provide extremely useful services. The work of agencies and organizations of disabled persons throughout Canada will be helped greatly in the future if a national information centre can be established.

**Requirements:** The centre should provide an information service to disabled persons, to organizations of disabled consumers, and to professionals working in the field of disability. A first step would be to collect and catalogue documents and reports related to disability. Beyond that the centre should be responsible for preparing, publishing and updating a directory of all federal programs and activities which affect the lives of disabled persons. The centre should also establish formal links with computerized data banks in Canada and abroad, so that innovations in treatment, rehabilitation, institutional care, independent living, as well as technical aids and devices, can be made known to Canadians as quickly as possible.

**Task Force:** A special task force representing user groups, voluntary organizations and provincial governments should be formed to develop an implementation strategy for the centre. The task force should also explore the possibility of provincial and private sector funding for the centre.

#### 1982: UNDER CONSIDERATION

**Ways and Means:** The Department of the Secretary of State is now studying options for the development of such an information centre. Considerations are being given to the kinds of information needs as well to the use of various technological processes and devices (for example, a toll-free telephone response service). By consulting with organizations of and for disabled persons, the Department intends to investigate ways and means of complementing the existing information infrastructure without sacrificing the concern to be responsive at the community level. A decision is hoped for this year, following further discussions with the provinces, the private sector, and voluntary organizations.

**Federal Index:** The Bureau on Rehabilitation at National Health and Welfare has prepared an index to federal programs and services with respect to disabled persons. This material is scheduled to be published and distributed by the Department of the Secretary of State by mid-summer 1982.

**Directory:** In co-operation with provincial governments and major national associations, the Department of National Health and Welfare has produced a series of provincially-based publications called the Directory of Rehabilitation and Related Agencies.

**No Progress:** Related to another point made in the recommendation, no progress has been made in the establishment of regional showrooms of technical aids.

**Self-help Impossible:** The Committee appreciates the scope and complexity of the task called for by this recommendation. However, self-help efforts on the part of disabled persons is impossible without accessibility to

information about services, facilities, programs and other forms of assistance to disabled persons. The Committee, therefore, urges the Federal Government to proceed quickly in establishing the Canadian Information Resource Centre on Disability.

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## 62 ENSURE ACCESS BY DISABLED PERSONS TO FEDERAL PUBLICATIONS

That the Federal Government adopt a policy which will ensure that the visually and print handicapped will have reasonable access to federal publications.

That, pending such a policy, the Federal Government initiate the following measures:

- . Make available on cassette, in braille or large print, widely distributed publications such as the guide to federal income tax, guide to unemployment insurance, guide to the Canada/Quebec pension plans, and information on social service programs.
- . Make available, where interest warrants, cassette copies of federal publications that have a more limited or specialized readership--for example, reports or studies.
- . Make available, upon request, cassette copies of selected publications distributed free of charge by the Department of Supply and Services to public libraries.

- . Make available, upon request, cassette copies of selected Canadian books which are distributed free of charge by the Canada Council to libraries and other community institutions.

**Limited Resources:** Federal departments, agencies and Crown corporations keep the Canadian public well informed with a great variety of guides, periodicals, booklets, reports and studies. Unfortunately, most hearing and visually-impaired and print handicapped persons cannot take advantage of this information. The Canadian National Institute for the Blind (CNIB) and other agencies cannot be expected to provide cassette and Braille versions because of limited resources.

#### 1982: IMPLEMENTED

**One per cent of Budget:** In March 1981, following the publication of OBSTACLES, Treasury board directed all federal departments and agencies to assign up to one per cent of total information budgets to the production of information in special forms (Braille, large print, cassettes) for the benefit of disabled persons.

**Ensure Availability:** The Department of Supply and Services has made provisions to ensure that government publications are available in Braille or on cassette. DSS has also undertaken the development of source lists of handicapped firms and individuals for the use of customer departments.

**First Time:** The Committee itself made cassette copies of OBSTACLES available to the public, and over 550 copies were distributed at the time this present report was published. As a result, the Committee received many positive comments about this initiative, the first time that a Parliamentary report had been produced in cassette form.

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**63 PROVIDE CAPTIONED VERSIONS OF GOVERNMENT-FINANCED FILMS**

That the Federal Government instruct the Canadian Film Development Corporation that, beginning immediately, it will be required to provide, to the National Film Board (NFB), for distribution to the deaf community, one captioned version, on video cassette if preferred, of each full-length feature film it finances.

That the Federal Government instruct all departments, agencies and Crown corporations that, beginning immediately, they are to provide at least one captioned version of each film (English and French) which they produce to the NFB, for distribution to the deaf community.

**Desperate:** Many hearing-impaired persons are desperate for entertainment and information. Most feature films and educational films are of little use to these disabled persons unless the films are captioned. The Canadian Government provides its agencies, department and Crown corporations with millions of dollars each year for the production of films in many different categories. It provided millions of dollars to the National Film Board and the Canadian Film Development Corporation in 1980 for the production of Canadian-made films. As a condition of funding, these organizations should be required to produce captioned versions.

**Cost:** Based on American experience, the cost of captioning is approximately \$2,000 per hour of film presentation. These costs are greater for feature films.

**1982: UNDER CONSIDERATION**

**Extra Funding:** The Department of Communications, the National Film Board (NFB), and the Canadian Film Development Corporation are studying this recommendation. The NFB has made a proposal to caption those films which are selected by hearing-impaired individuals and would distribute the films

in French and English to the hearing-impaired community. It is seeking Cabinet approval for extra funding.

**Major Achievement:** The Committee is very pleased with the major achievement of a Canadian captioning centre. The establishment of such a centre will facilitate the production of films for hearing-impaired Canadians. The Committee commends the NFB for drawing up its proposal and urges implementation of this recommendation.

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**64 PRODUCE PAPER CURRENCY IDENTIFIABLE BY VISUALLY AND HEARING-IMPAIRED PERSONS**

That the Federal Government instruct the Bank of Canada to announce, before the end of 1981, its intention to begin production of paper currency identifiable by blind or visually-impaired persons.

**Crucial Issue:** Visually-impaired persons find it very difficult to use Canadian paper currency, because all denominations are the same size. They must constantly trust that sighted people will not take advantage of them in money transactions. Several European countries, including Great Britain, have different sizes of paper currency to distinguish the different denominations. The Bank of Canada should investigate the most appropriate way to make this country's currency identifiable by visually-impaired persons and implement production of distinguishable bills as soon as possible.

**1982: COMMITTED**

**Alternatives:** During 1981, the House of Commons Finance Committee examined the question of currency identifiable to blind and visually-impaired persons. It reported to the House of Commons in March 1982, (the Members of the Special Committee participated in the hearings) and, in particular,

noted the importance of consultation in this matter. The Bank of Canada is currently examining alternative approaches in consultation with disabled consumers.

**More Functional:** At a meeting of the Finance Committee on February 1982, the Bank indicated its intention in redesigning the next series of bank notes to give full consideration to making these notes more functional to those persons with partial vision by using distinct colours and larger images.

**Blind Persons:** The Bank is still examining ways to make currency identifiable to blind persons. The Bank has given its assurance that it will not impose a solution that is impractical for disabled consumers and that it will continue full consultation with disabled consumers at all stages in the development of an approach to making currency identifiable to blind persons.

**Expectation:** Throughout OBSTACLES, the Committee stressed the importance of consultation with disabled consumers. The Committee is, therefore, pleased by the approach that the Bank has taken in this matter, of consulting with those persons who would be affected by any changes. However, this process has resulted in the expectation that change will occur. Therefore, the Committee stresses the urgency of completing the examination of the various methods and urges the Bank to proceed as quickly as possible with implementation.

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65    **ESTABLISH COMMITTEES TO ADVISE FEDERAL ORGANIZATIONS ON NEEDS OF VISUALLY AND HEARING-IMPAIRED PERSONS.**

That the Federal Government establish two advisory committees to advise federal departments, agencies and Crown corporations on matters of interest to visually

and print handicapped persons, and on matters of interest to hearing-impaired persons, to report to a designated minister other than the Minister of National Health and Welfare (see Recommendation 130).

**No Awareness:** Persons who are not disabled are generally not aware of the information needs and problems that are faced daily by persons who are disabled. This is especially true of those persons who are visually or hearing disabled. They find it difficult to obtain the simplest, most ordinary kind of information. The communication practices of Federal Government organizations, unfortunately, leave most of these disabled persons cut off from important information that non-disabled Canadians take for granted.

**Not Enough:** A previous recommendation would require that federal agencies, department and Crown corporations transfer basic information into the appropriate media for use by disabled persons. But policy is not enough, there must be built-in awareness of the needs of these people.

**Constant Reminder:** Special advisory groups should be established which would regularly meet with officials of federal organizations to advise them on ways of meeting the special needs of visually and hearing disabled Canadians.

#### 1982: NOT IMPLEMENTED

**Submit Proposal:** The Department of the Secretary of State is identifying mechanisms by which disabled consumers could make their views known to government departments and agencies (see Recommendation 101). The Department has asked COPOH (Coalition of Provincial Organizations of the Handicapped) to submit a proposal for consultative mechanisms, and is awaiting a reply in this matter.

**Participate:** The Department of Communications has stated its willingness to "co-operate with and participate in such committees."



**Importance:** Throughout OBSTACLES, and in the Follow-up Report, the Special Committee stressed the importance of consultation. The Committee is pleased with the willingness of the Minister of Communications to establish a consultative mechanism. It also urges COPOH and the Department of the Secretary of State to act quickly in deciding upon a structure so that consultation by individual departments and agencies may proceed.

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## H O U S I N G

### 66 AMEND NATIONAL HOUSING ACT TO ENCOURAGE INDEPENDENT LIVING

That the Federal Government amend the National Housing Act to enable groups to develop more non-profit, co-operative and group homes for physically and mentally disabled persons--including clusters of units in apartments buildings.

**Squeeze:** A decade of experience in the United States and Europe indicates that independent living for disabled persons, when possible, is more beneficial and less expensive than institutional care. Independent living could increase significantly in Canada if it were not for serious obstacles presented by the National Housing Act. Its regulations put disabled persons into a financial squeeze which makes it virtually impossible to obtain non-profit co-operative and group homes.

**Discriminatory:** Put simply, the existing legislation makes it impossible to build and maintain homes for disabled persons within the stipulated cost limits for non-profit housing. Disabled persons need to be in the centre of cities and towns in order to have access to facilities. But the cost of serviced land in city cores forces housing for disabled persons to the outlying areas, which defeats much of the rationale for independent living. The building cost ceiling for non-profit housing is often 15% lower than that needed for equivalent family accommodation; yet, the real building costs of such units exceeds that for normal residential housing. Certain accounting procedures tend to confuse the issue of "special needs" housing, because they lump together senior citizens' housing with housing for disabled persons. However, the needs of disabled persons are quite different from those of senior citizens. There is, therefore, very little "independent living" housing available. In Canada today, there are only 400 bed/units, with support services, presently occupied by disabled persons.

**Consultation:** The Committee recommends that the Federal Government amend the National Housing Act, in consultation with disabled persons and their organizations, to encourage greater possibilities for disabled persons in all parts of Canada.

**1982: COMMITTED**

**Not Required:** No legislative or regulatory change is required as the National Housing Act (NHA) does not restrict the development of non-profit co-operative and group homes. The Canada Mortgage and Housing Corporation (CMHC) has responded in the following way to the Committee's recommendation:

- **Consistency:** To eliminate confusion and inconsistent practices regarding the application of the Maximum Unit Price (MUP) policy between regions in Canada, floor areas have been developed to allow for a more sophisticated calculation of MUP for such units. This information has been provided to all CMHC field staff who implement MUP policy.
- **Further Study:** The impact of high land costs in downtown locations requires further study which will be conducted through the remainder of 1982.

**Shows Interest:** The Committee is satisfied that CMHC is committed to assisting groups to develop non-profit co-operative and group homes. Through its actions the Corporation has shown its interest in the provision of accessible housing for disabled persons.

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**67 MAKE NEW FEDERALLY-FUNDED HOUSING ACCESSIBLE TO DISABLED PERSONS**

That a percentage of new dwelling units constructed with federal funds or guaranteed by the Federal Government, be accessible to disabled persons as defined by standards to be developed by Canada Mortgage

and Housing Corporation, and that these specially adapted units be integrated with regular housing units.

**Small Costs:** Canadian architects and builders who have studied the problem agree that making a new house accessible for disabled persons costs very little more than normal construction--provided that accessibility is part of the initial design, not an afterthought. This architectural evidence reinforces a general rule about the costs of disability to Canadian society. The more thinking done up-front about the needs of disabled persons, the lower the costs are later on.

**Future Availability:** If a percentage of federally-funded new housing were accessible, this would ensure a growing supply in the future. The implementation of this policy should reflect the changing needs of the disabled population in different parts of Canada. The newly-constructed accessible units should include one and two-bedroom apartments, townhouses and detached dwellings. They should be built throughout a community and not clustered together in a single area.

#### 1982: IMPLEMENTED

**General Accessibility:** Where Canada Mortgage and Housing Corporation (CMHC) is responsible for administering the non-profit and co-operative program, project sponsors will be required to provide general accessibility to the dwellings, and 5% of the units must be designed in accordance with "Building Standards for the Handicapped".

**Revise Guidelines:** The Corporation has revised the program guidelines for Section 56.1 of the National Housing Act to reflect these changes, mentioned above. These guidelines cover the provision under which the interest write-down subsidy is made available to co-operative and non-profit groups.

**Key Obstacle:** Many individuals who have appeared before the Committee, or made submissions, have identified the lack of accessible housing as a key



obstacle to independent living. The Committee sees these initiatives by CMHC, especially requiring that 5% of units be built to accommodate disabled persons, as steps which will increase the supply of housing units. It should be noted, however, that in Recommendation 68 the Committee outlined the need for a revision of the "Building Standards for the Handicapped". When these revisions are made, the Committee expects that the new standards would be applied by CMHC.

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#### 68 DEVELOP HOUSING STANDARDS WHICH REFLECT NEEDS OF DISABLED PERSONS

That Canada Mortgage and Housing Corporation, in consultation with disabled persons and their organizations, continue to develop housing standards which take into account the various needs of disabled persons.

That the Federal Government request the National Research Council to include these new housing standards for disabled persons in the National Building Code.

**Simplified:** The whole effort of making houses accessible to disabled persons will be greatly simplified when standards of accessibility are made a basic ingredient of the National Building Code. The trend throughout the world over the past twenty years indicates that there will be a slow, but inevitable, victory for the concept of accessibility in virtually all new building construction. Accessibility is not a question of "if", but only of "when". A great deal of time, money and mental energy can be saved if all parties accept accessibility as a standard operating procedure.

#### 1982: UNDER CONSIDERATION

**Need for Consultation:** Canada Mortgage and Housing Corporation (CMHC) recognizes the need for continued consultation on building standards for

the handicapped. The Corporation participates on the Associate Committee on the National Building Code and will work towards improved standards. CMHC will use its influence within the standards system to draw attention to the need for further consultation on the development of standards for the handicapped.

**Note:** See also Recommendation 81. The Associate Committee has set a target date of 1985 for revision of building standards for the handicapped community in Canada.

**Various Needs:** The Committee is pleased that the Associate Committee has set 1985 as the target date for the revision of these standards. The Committee urges CMHC to continue to push for standards which take into account the various needs of disabled persons. Furthermore, the Committee urges full consultation with representatives of disabled consumers and their organizations.

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#### 69 DIRECT CMHC TO PROVIDE FUNDING AND ASSISTANCE FOR HOUSING FOR DISABLED

That, in the absence of provincial initiatives, Canada Mortgage and Housing Corporation (CMHC), through its regional offices, give higher priority to the provision of assistance and start-up funds to groups of disabled persons developing housing projects and to organizations providing housing for mentally handicapped persons.

**No-Win:** As things stand now, CMHC is of little use to disabled groups and organizations which are seeking funding and assistance in developing housing projects. CMHC generally responds to requests only from those groups which have a provincial commitment to fund the operating costs. The

provinces, for their part, usually respond only to those groups which have CMHC support. The disabled groups are thus left in a no-win situation. Even when they are able to make headway, the myriad of regulations and statutes often wear out their resolve to follow through with projects.

**Priority:** To get around this situation, the Federal Government should direct CMHC to start making things easier for groups which are developing housing projects for disabled persons. The Corporation's regional offices should give a higher priority to the provision of assistance and start-up funds.

#### 1982: IMPLEMENTED

**More Active:** Canada Mortgage and Housing Corporation (CMHC) will be taking a more active role with sponsoring groups to explain the source and extent of funding for housing for disabled persons. Resource information related to project delivery has been distributed by the Corporation to Community Resource Organization Program groups and to CMHC staff members. A referral and information service on housing for the disabled is being offered through CMHC's Canadian Housing Information Centre.

In another initiative, COPOH (Coalition of Provincial Organizations of the Handicapped) has been asked to prepare a consumer's information manual on housing alternatives for disabled persons.

**Necessary Information:** Disabled persons frequently have difficulty finding information about the assistance which they can receive for housing projects. This initiative by CMHC, and the information provided by COPOH, will assist disabled persons in obtaining advice and funding. The Committee wishes to commend CMHC for the steps already taken.

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## **70 PROVIDE MORE FUNDS TO MAKE EXISTING HOUSING ACCESSIBLE**

That the Residential Rehabilitation Assistance Program be amended to provide on a needs basis, grants, low or no interest loans to landlords, contractors, non-profit groups and individuals, who wish to renovate existing buildings, regardless of age or location, in order that they be more usable by disabled persons.

**Scarcity:** Disabled persons have extreme shortages of appropriate housing facilities. Long waiting lists exist in all parts of Canada for the few available units. The most ambitious new construction program on behalf of disabled persons would satisfy only a small part of the demand. Existing housing and apartment buildings should now be altered to make them usable. The alternative is institutionalization for many disabled persons, at great cost to society.

**Renovation:** Landlords and contractors have shown themselves willing to work with disabled groups when the Federal Government makes available grants and low-interest loans to do the work. This is especially important in those situations where a recently disabled person wants to live in the same dwelling. Amending the Residential Rehabilitation Assistance Program will provide the incentive needed by the private sector and self-help groups.

### **1982: IMPLEMENTED**

**Extended:** The Canada Mortgage and Housing Corporation (CMHC) has extended the Residential Rehabilitation Assistance Program, within its existing budget, to permit adaptations or renovations which will make a dwelling more usable by a disabled occupant. This measure will extend assistance outside of the areas originally designated under the Program. The Corporation also announced that it has prepared a pamphlet explaining these changes, and that this is now available to the public. COPOH, the Coalition of Provincial Organizations of the Handicapped has stated that it is very pleased with this amendment to RRAP.



**Further Assistance:** In the months ahead, CMHC has stated that it will now prepare for further assistance under RRAP for those disabled persons who require other repairs to their dwellings. Brochures and information have been distributed to CMHC offices, to consumer and advocacy groups, announcing program changes for disabled persons.

The Corporation reports to the Committee that there has been significant activity resulting from the changes to the program.

**An Extra Step:** The Committee is pleased that these changes to RRAP will provide more housing for disabled persons. CMHC is to be commended not only for the speed with which it acted in implementing this recommendation, but also for the fact that the Corporation went one step further in providing more assistance than is called for in the original OBSTACLES report.

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**71    MODIFY COST-SHARING AGREEMENTS TO PROVIDE ADEQUATE RENT  
      SUBSIDIES TO DISABLED PERSONS**

That the Federal Government negotiate with the provinces to modify the cost-sharing agreements under the National Housing Act to give a higher priority to the provision of adequate rent subsidies to disabled persons.

**Increase:** Rent subsidies are now available to disabled persons, but the amounts are too low and the availability too restricted. Disabled persons can live independently only if they can pay the rent. Many persons are unemployed, or are in low-paying jobs. Some financial assistance is needed by many disabled persons to live in group homes, co-operative homes, or their own apartment. Persons on disability pensions can cover most other living expenses, but not the rent. A more generous subsidy would open the possibility for independent living to many disabled persons who are currently in institutions or living with their parents.

**1982: UNDER CONSIDERATION**

**Provincial Discretion:** The jurisdiction which covers rent subsidies in Canada belongs to the provinces, therefore, consultation is necessary to make improvements on behalf of disabled persons. Canada Mortgage and Housing Corporation (CMHC) has identified this consultation as one of its 1982 objectives.

**Lengthy:** The Committee recognizes that Federal-Provincial discussions are a lengthy and complex process and that some recommendations in the OBSTACLES report which depend upon such discussions require more time for their implementation. The Committee is pleased that CMHC had identified this recommendation for review during this year.

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**72 ENCOURAGE GROUP HOMES FOR RESPITE CARE**

That the Federal Government through Canada Mortgage and Housing Corporation (CMHC), encourage new group homes, where practical or reasonable, to provide respite care services.

That, in view of the present trend towards deinstitutionalization, provincial and municipal authorities and community organizations be encouraged to adapt existing facilities, where practical, to provide respite care.

That provincial and municipal authorities and community organizations be encouraged to construct, where existing facilities are unsuitable or unavailable, hostel-type units to provide respite care on a temporary basis.

**Take a Break:** The term "respite" means a rest, relaxation, or a break from heavy responsibilities. As it relates to disabled persons, it means that a

parent or guardian who has full responsibility for a disabled person at home should be provided with a regular rest period, away from this responsibility.

**Strains:** Parents need a break from the strain that can result from constant attention to the disabled person's special needs. Society benefits greatly from having disabled persons live at home, rather than in an institution. Society should therefore provide assistance so that these home care situations can continue. Provincial and municipal authorities, and community organizations should provide facilities to care for a disabled person while his or her parents or attendants are taking a break.

#### 1982: COMMITTED

**Ensuring Loans:** Canada Mortgage and Housing Corporation (CMHC) assists groups by ensuring loans through private lenders for the capital funding of non-profit or co-operative group homes, in which respite care units or hostel beds are provided. The Corporation also provides subsidies equal to an interest write-down to 2% based on agreed capital costs of developing the shelter component of a dwelling.

**Provincial Responsibility:** The funding of operations for the respite care component is a provincial responsibility and the project sponsor has the obligation of co-ordinating and securing the necessary care funding from the provinces (Note: Nova Scotia, Quebec, Ontario and British Columbia do not have respite care programs).

**Monitor Activity:** CMHC monitors provincial activity in this area, and reports that there are no problems with assisting the capital funding of the shelter component of respite care units. This policy is now in effect and has been communicated to CMHC field offices across Canada.

**Best of Ability:** Although this recommendation was mainly directed to provinces and municipalities, CMHC has responded to the best of its ability. The Committee wishes to commend the Corporation for its efforts.

### 73 CUT RED TAPE FOR DISABLED GROUPS DEVELOPING HOUSING PROJECTS

That the Federal Government encourage Canada Mortgage and Housing Corporation, the provinces, and municipal authorities to streamline their mandatory regulations and administrative procedures to reduce the administrative burden for groups of disabled persons developing non-profit housing projects and for organizations providing non-profit housing for mentally handicapped persons.

**Four Authorities:** One group home in Ottawa, for example, must deal continually with the following four government organizations:

- Ontario Ministry of Community and Social Services (for attendant care)
- Ontario Ministry of Housing (shelter agreement)
- Ottawa Housing Authority (selection of residents to qualify for subsidies under federal-provincial rent supplement program)
- Canada Mortgage and Housing (Agreement Administration).

In addition, residents of this home may personally have contact with the City of Ottawa (residency requirements, or waiver of these) and with the Vocational Rehabilitation Services of the Ontario Ministry of Community and Social Services. There are further requirements to comply with provincial landlord and tenant legislation, and fire safety regulations.

**Get Together:** Federal, provincial and municipal government agencies should co-ordinate their policies and procedures to reduce the bureaucratic burden on non-profit housing groups. The policies and procedures themselves should be rationalized and simplified.



**1982: IMPLEMENTED**

**Improving Information:** Canada Mortgage and Housing Corporation (CMHC) is prepared to assist non-profit groups by improving the information and technical advice that is available to them. The Corporation has developed a project delivery guide and training session for Community Resources Organization Program (CROP) groups and for the CMHC staff. CMHC has also distributed an information package to supplement this guide. The guide contains information on interpreting the guidelines of the social housing programs which relate to disabled persons.

**Regional Workshops:** The Corporation has also organized regional workshops for CMHC staff (architects, appraisers and inspectors), and these are scheduled to be held over the summer and early fall of 1982.

In one further move, CMHC has contracted COPOH (Coalition of Provincial Organizations of the Handicapped) to prepare a consumer's information manual on housing.

**Frustration:** Many groups told the Committee about their frustrations in trying to establish housing projects. CMHC has recognized these difficulties and has acted to cut the red tape. The Committee congratulates CMHC for working with COPOH in preparing this essential information for disabled consumers.

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**74 ENCOURAGE MUNICIPALITIES TO IMPROVE ACCESSIBILITY AS PART OF INTERNATIONAL YEAR EFFORTS**

That the Federation of Canadian Municipalities be encouraged to demonstrate support for the International Year of Disabled Persons by drafting and circulating to its members, model by-laws and programs respecting:

- . Group homes
- . Curb cuts
- . Parking
- . Access to municipal buildings and facilities
- . Recreational facilities
- . Affirmative action

**Shortcomings:** Many municipalities make it very difficult for disabled persons to lead independent lifestyles. Some municipal by-laws prohibit the establishment of group homes. Others reflect a very negative attitude toward any presence of disabled organizations. These shortsighted policies and attitudes do not belong in the twentieth century.

**Not Privilege:** The Canadian Federation of Municipalities should exercise leadership by drafting and circulating to its members model by-laws and programs related to disabled persons. 1981 is the International Year of Disabled Persons. This is an appropriate time for all Canadian municipalities to make their communities more accessible to disabled persons.

#### 1982: COMMITTED

**Research:** Canada Mortgage and Housing Corporation (CMHC) has initiated an external research project under Part V of the National Housing Act to address the issues set out in this recommendation. The project will look at the problems and solutions involved in making Canadian communities accessible to disabled persons, and the results of the research will be released shortly. The Corporation is keeping the Federation of Canadian Municipalities aware of the progress being made in this research project.

**Initiative:** The Committee commends CMHC for its initiative in undertaking a recommendation which is directly concerned with the Federation.

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## INDEPENDENT LIVING

### 75 PROMOTE INDEPENDENT LIVING OVER INSTITUTIONALIZATION

That the Federal Government promote a more suitable and cost-effective alternative to institutionalization by introducing enabling legislation for cost-sharing with provinces and municipalities the provision of comprehensive services to assist disabled persons to live and function independently in the community.

That the proposed legislation include the following features:

- . Independent living services to be made available to disabled adults by non-profit organizations which are managed by disabled persons or their representatives.
- . Family support services to be made available on a sliding fee scale to assist families with a disabled dependent.

**\$22,000 Saved:** Based on American experiences, there is a remarkable difference in the average annual cost of keeping a disabled person institutionalized compared with assisting him or her to live independently in the community. Institutionalization costs \$30,000; independent living \$8,000. A potential yearly savings of \$22,000 is possible each time a disabled person can make the transition from hospital to community. The Multiple Sclerosis Society of Canada has found that the difference of caring for a person in a nursing home is \$11,900 per year. The same service--two hours per day--in a private home costs \$5,730 per year. Wherever the costs of institutionalization and independent living can be compared directly, it is clear that independent living is significantly less expensive. These facts alone justify a major Government initiative to promote independent living.

**Preference:** Many disabled adults, now institutionalized, would prefer to live independently, if they could be assured of community support. This support would involve special education, training and counselling needed to learn how to function independently. It would also cover attendant care, and assistance in securing housing and transportation.

**Involvement Crucial:** Disabled persons themselves must play a key role in the development and management of these independent living programs. The success of existing programs depends greatly upon the sense of "ownership" felt and communicated by the disabled persons who helped to develop them.

**Helping Families:** Another alternative to institutionalization is to make it possible for the disabled person to live with his or her family. Experience has shown, however, that families who care for a disabled dependent often suffer from "burn-out". This means that they become physically and emotionally exhausted from the continual responsibility of responding to the special needs of the disabled person. "Burn-out" frequently creates the conditions for divorce, child abuse, and mental breakdown. Community support services, respite care, temporary attendant services, and counselling must be provided so that families can be freed periodically from their responsibilities.

**Central Theme:** Throughout the Committee's hearings across Canada, the concept of "independent living" emerged as a central theme. As an idea, it serves to counteract the myth of "helpless victim" which plagues disabled persons wherever they go. As a daily reality, it enables disabled persons to care for themselves in ways that no institution could ever match. As Federal Government policy, independent living makes remarkable economic sense.

**First Step:** Unfortunately, community programs to provide the services needed for independent living are almost non-existent in Canada at this time. The Committee investigated successful programs in the United States and Europe. The evidence clearly showed the concept to be more beneficial and less costly than institutional care. Economic realities in



Canada for the foreseeable future all favour this concept, as do the expressed wishes and needs of thousands of disabled persons. What is needed now is preferential consideration by the Federal Government.

#### 1982: UNDER CONSIDERATION

**Not Prepared:** Cabinet was not prepared to specify in advance any commitment of funds for contributions in support of expanded social services to disabled persons. Cabinet did authorize the Minister of National Health and Welfare to consult with provincial governments and the voluntary sector (including organizations of disabled persons) to obtain "costed options". Cabinet will then examine these "costed options" without prejudice later in 1982. At a meeting in February 1982, the Federal and Provincial Ministers of Social Services agreed to develop these costed options, with the provinces agreeing to provide the Federal Government with data.

**Autonomous:** The Coalition of Provincial Organizations of the Handicapped (COPOH) does not want the development of independent living centres to be left to the current Federal-Provincial fiscal cost-sharing negotiations. The organization wants a negotiated process using new cost-sharing agreements. COPOH also wants the community boards of such centres to be autonomous groups not dominated by one agency or organization.

**Not Transferred:** The Canadian Mental Health Association expressed concern that deinstitutionalization is taking place, but funds are not being transferred into alternative support programs in the community.

**Critical Issue:** This matter is clearly an area of Provincial Jurisdiction. Notwithstanding, the Committee felt that the Federal Government should promote the concept of independent living through whatever means it could, including the use of pilot projects. Independent living had been identified throughout the public hearings as a critical issue and the Committee was sufficiently impressed by the need for independent living that it called upon the Federal Government to promote the idea with the provinces.

In addition, the Committee called upon the Federal Government to finance some pilot projects in order to convince provincial governments of the value of independent living and to spell out more clearly the need for deinstitutionalization. The Committee reiterates its original recommendation and once again urges the Minister of National Health and Welfare to commence negotiations with the provinces, and to finance pilot projects.

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#### 76 ESTABLISH FUNDS FOR DEMONSTRATION PROJECTS IN INDEPENDENT LIVING

That the Federal Government, together with interested provincial governments, make a commitment in 1981 to assist in the funding and establishment of demonstration projects which would provide independent living services to disabled persons.

**No Transfer:** The experience of American independent living programs cannot be directly transferred to Canada. The fiscal and jurisdictional relationships among municipal, regional and federal governments differ from the American situation. Government involvement in programs for disabled persons has evolved by different routes in the two countries.

**Canadian Model:** What can be transferred from the United States is the knowledge that independent living is successful wherever it has community support services. What is needed now is funding to develop a Canadian model. At present, the National Welfare Grants Program provides funds, consultation and information to projects which have the potential of increasing self-help activities within Canada's welfare system. During 1978-79, 163 projects received grants under this Program. The Committee suggests that the Federal Government utilize funds from the Canada Assistance Plan or the National Welfare Grants Program to establish demonstration projects in independent living. A commitment to start these projects should be made during 1981.

**Transition:** The most difficult times for a disabled person are those involving a major life change, such as that required in moving from an institution to living within the community. The demonstration independent living programs should budget for the costs needed to help the disabled persons make this initial transition. The provision of sufficient funds to cover this critical time can make the difference between permanent assistance and self-sufficiency.

**1982: NOT IMPLEMENTED**

**No Indication:** The whole question of independent living is still under discussion within the Federal Government. There is no indication at publishing time that the Federal-Provincial consultations on costs will include any reference to demonstration projects.

**Disappointed:** The Committee firmly believes that independent living is the preferred route to go in encouraging the integration of disabled persons. It is disappointed that some demonstration projects have not been approved, as these would provide tangible evidence of the many benefits of the independent living concept. The Committee therefore, reiterates its recommendation that the Federal Government consult with the provincial authorities to establish such projects as soon as possible.

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## ACCESS TO PUBLIC BUILDINGS AND FACILITIES

### 77 MAKE PARLIAMENT HILL COMPLETELY ACCESSIBLE

That the Parliamentary Complex be made accessible immediately to all disabled persons, both as visitors and employees.

That disabled persons and their organizations be consulted about the most appropriate ways to provide accessibility.

In its First Report of 30 October 1980, the Committee made the following recommendations:

- **Parliamentary Complex:** All the facilities and services of the Parliamentary Complex of buildings in Ottawa be made immediately accessible to all disabled and handicapped persons, both as visitors and employees.
- **Consultation:** In making the necessary renovations disabled persons and their organizations should be consulted.
- **Citizen's Right:** Parliament Hill is the most popular tourist attraction in Ottawa. Each year thousands of Canadians visit the various buildings. A tour includes the Senate, the House of Commons, the Library of Parliament and the Peace Tower. It may also include a meeting with the visitor's Member of Parliament or attending a sitting of Parliament. Disabled citizens have the same right to enjoy such a tour as do able-bodied Canadians.
- **Business Purposes:** There are many other Canadians who come to Parliament Hill for business reasons. Some meet with their Member of Parliament, others attend a sitting of the House of Commons, and still others attend the sitting of a Parliamentary Committee. Accessibility



in such cases should include technical aids and personal assistance required by those who have hearing or visual disabilities.

#### **1982: COMMITTED**

**Past Two Years:** Substantial renovations have been made on Parliament Hill during the past two years to provide accessibility to the buildings. The Committee felt strongly about the need to ensure access to these facilities and it, therefore, issued a report in October 1980 highlighting two recommendations on which it felt immediate action should be taken. One of these was access to Parliament itself. The Committee felt that it could not make recommendations to others without ensuring that its own facilities were accessible. The Committee then repeated this recommendation in OBSTACLES.

**High Priority:** The Department of Public Works has placed a high priority on making Parliament Hill a totally accessible and usable area for disabled visitors and employees. Among the renovations which it has made are the following:

- Accommodation for wheelchairs in both the House of Commons Gallery and the Senate Gallery.
- Installation of a lifting device to facilitate access to the Parliamentary Restaurant.
- Ramps to facilitate access to the Memorial Chamber and adequate elevator and ramps to the observation level of the Peace Tower.
- Curbs were depressed at sidewalks at various locations throughout Parliament Hill.
- Provision of parking spots for use by disabled persons.

The Department reported to the Committee that disabled persons were consulted before these renovations were undertaken.

**More Needed:** The Committee is pleased that so many renovations have been made on Parliament Hill. However, it would like to point out that accessibility must also include the visually and hearing-impaired persons. The Committee urges further consultation with disabled consumers to identify where improvements can be made to assist those who have these disabilities.

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#### **78 NO FEDERAL FUNDING UNLESS ACCESSIBILITY IS ENSURED**

That the Federal Government ensure that all public buildings constructed, renovated, leased or funded by the Federal Government be required, as a condition of funding, to be accessible as defined by the standard of accessibility developed by the Department of Public Works.

That the Federal Government expand its review process, to ensure compliance with the standard of accessibility, by:

- . Approval of plans governing access to new buildings and facilities or major renovations to existing buildings and facilities;
- . Monitoring compliance with these plans;
- . Monitoring renovations (retrofitting) of existing buildings and facilities.

**Two-thirds not Covered:** The Department of Public Works is the central real property agency for the Federal Government. It already has in place a program which will ensure accessibility in all public buildings under its responsibility. But this only covers one-third of all Federal Government space. A new mechanism is needed to ensure that the remaining two-thirds of the space fall under the same standards as well as all other buildings and facilities financed by the Federal Government. This would entail a form of contract compliance, which should be monitored by an Accessibility Compliance Board.

**Avoid Bureaucracy:** The Committee believes that the Accessibility Compliance Board should not entail the creation of a large bureaucracy. In fact, it may simply require having an existing agency of government assume the additional responsibility of following up on complaints of inaccessibility brought to it by individuals. The U.S. Government has an Architectural Barriers Accessibility Board, under the Rehabilitation Act, which has proven effective without being large. The new Canadian monitoring board should work directly in conjunction with the Canadian Human Rights Commission referring complaints that it receives to the latter organization. Once the Canadian Human Rights Act has been amended, individuals will be able to take their complaints of inaccessibility directly to the Commission, without the assistance of the Compliance Board.

#### 1982: NOT IMPLEMENTED

**Accessibility Standard:** The Department of Public Works (DPW) has already applied an accessibility standard to its new buildings, as well as to the retrofitting of existing buildings. There are, however, other departments besides Public Works which hold property. DPW has entered into discussions with these other departments and agencies to examine cost and time estimates for making all federal offices accommodation accessible.

**Two-thirds:** The Committee is concerned with accessibility in government buildings because two-thirds of the space does not fall under the responsibility of DPW and its accessibility guidelines. There is clearly a

need for a central directive to ensure that all federal space is accessible. This recommendation demonstrates the need for a minister for disabled persons who can push for such directives which effect a number of departments. At this point, there is no response by the government that accessibility of federal property will become mandatory.

**Not Responded:** The Committee regrets that the Federal Government has not responded to this recommendation to ensure that all federal property will be accessible. The Committee reaffirms its original recommendation that no federal funds should be expended unless accessibility is guaranteed. The Committee also reaffirms its position that the review mechanism to monitor accessibility be expanded.

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#### **79 1983 DEADLINE FOR SCHEDULE TO MAKE FEDERAL BUILDINGS ACCESSIBLE**

That the Federal Government ensure that its buildings and facilities be upgraded (retrofitted) before the end of 1983 to the standards of accessibility developed by the Department of Public Works, and that heritage properties be made accessible whenever possible.

**Public Works Activities:** The Department of Public Works has an active program in place already to upgrade more than 3,000 of its buildings. This effort began in 1979 and by June 1980, 450 buildings had been completed.

**Not Valid:** Public Works is responsible for only one-third of Federal Government space. Other federal departments have not shown the same progress in making their buildings accessible. Some have stated that they "do not have the funds available to undertake wide-scale renovations." Another department, in its presentation to the Committee, stated that "there are no handicapped employees in any of these buildings requiring such facilities at this time." Your Committee does not accept these as valid reasons.



**Heritage Questioned:** Until now, approximately 80 historic parks and 700 historic sites have been excluded from upgrading programs. The Department of the Environment states that the mandate for Parks Canada is "to protect and preserve the heritage environment. Any services provided to handicapped persons must not detract from or impair the achievement of that goal."

**Persons First:** The Committee, while recognizing the validity of Parks Canada's mandate, nevertheless, feels that the principle of access for disabled Canadians includes access to heritage properties. It also recognizes that additional skill will be required to preserve the original character of these properties but, wherever possible, both historic sites and parks should be made accessible.

#### 1982: COMMITTED

**450 Buildings:** The Department of Public Works (DPW) has a program in place to retrofit existing buildings. This effort began in 1979 and by June 1980, 450 buildings had been completed. As of April 1982, 2,168 buildings under DPW's responsibility had been modified. 1,926 remain to be retrofitted. The Department feels that "realistically, the Retrofit Program will extend beyond 1983".

**Major Undertaking:** The Committee realizes that retrofitting of federal buildings is a major undertaking. It commends the Department for its current efforts and encourages it to proceed as quickly as possible in completing the entire program. Not all federal buildings fall under the responsibility of DPW, and the Committee is concerned about the implementation of this recommendation by other property holders in the government. This recommendation again demonstrates the need for a special minister who will advocate the concerns of the disabled community to all departments in the Government.

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**80 CONSULT WITH DISABLED PERSONS WHEN UPGRADING GOVERNMENT BUILDINGS**

That disabled persons and their organizations be consulted on a continuing basis by Federal Government departments, agencies and Crown corporations undertaking construction or renovation projects concerning the most appropriate ways to provide accessibility.

**Common Sense:** The Department of Public Works instructed all of its regional offices in July 1980 to actively seek consulting services from disabled individuals. The everyday experience of disabled persons will be the best guide for government departments in identifying the obstacles which currently make facilities and services inaccessible. It is only common sense that this experience should be utilized by the planners and architects who are responsible for upgrading programs.

**1982: IMPLEMENTED**

**Evaluations:** The Department of Public Works has hired disabled advisors to carry out evaluations of accessibility projects. The Committee is pleased that the Department has endorsed the principle of consultation with disabled persons.

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**81 REVISE THE NATIONAL BUILDING CODE--IN CONSULTATION WITH DISABLED PERSONS**

That the National Building Code be revised in consultation with disabled persons and their organizations to include comprehensive standards of accessibility for disabled persons including deaf or hearing-impaired persons and blind or visually-impaired persons.

**No Direct Input:** Recommendations for changes to the National Building Code and Supplement #5 are currently made with the representation of traditional organizations--but without direct input from disabled consumers. The consultative process must be expanded to include disabled persons and their organizations.

**Special Needs Ignored:** This lack of first-hand experience results in standards which provide only a minimum level of access. Persons with special needs, such as those with hearing and visual disabilities, tend to be ignored in the Code.

**Examples:** The public address and fire alarm systems in most buildings do not take into account the needs of people with hearing disabilities. At the same time, persons with a visual disability have great difficulty in using elevators in most buildings because there are no raised numbers to indicate which floor button to push, and no signal to indicate when the elevator car has reached the desired floor.

**Revision/Consultation:** The Committee recommends, therefore, that the National Building Code be revised to include comprehensive standards of accessibility for all disabled persons, including those with special needs. This revision, however, should take place only with the full consultation of disabled persons and their organizations.

#### 1982: UNDER CONSIDERATION

**Target Date:** The National Research Council has an Associate Committee on the National Building Code which has set a target date of 1985 for revision of safety standards for the physically handicapped. This committee has the following composition of members:

- Six members of associations for the handicapped.
- Six industry representatives.
- Five regulatory agencies.

**Long Overdue:** The Canadian Council of the Blind says that such revision of safety standards is long overdue. The hearing-impaired community (represented by the Canadian Hearing Society and the Canadian Co-ordinating Council on Deafness) have emphasized that the code should address the needs of their clients.

**Press Forward:** Everyone agrees that changes are needed. The Committee welcomes the establishment of a target date of 1985 and urges all members of the Associate Committee to press forward with their work.

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## 82 UTILIZE WINTER WORK PROGRAM TO MAKE BUILDINGS ACCESSIBLE

That the Federal Government reinstate a modified Winter Work Program to encourage provinces and municipalities to make public buildings and facilities accessible to all.

That this Winter Work Program be financed out of current job creation and regional development budgets.

**Two Objectives:** Unemployment is a major problem in Canada. Accessibility to public buildings is a major problem for many disabled Canadians. The Federal Government can make progress in both areas by reinstating a modified Winter Work Program, and directing the labour toward making public buildings accessible. Since many of these buildings are under provincial and municipal jurisdiction, the Federal Government should encourage them to participate in this special employment program.

1982: NOT IMPLEMENTED

**Priority Activity:** The status report tabled by the Secretary of State in December 1981 stated that "the intent of this recommendation can be



addressed by making this kind of project a priority activity for funding through the Canada Community Development Projects". This program is operated by the Canada Employment and Immigration Commission (CEIC).

**Target Groups:** CEIC requires that an application for such a project include a hiring plan. Priority is given to those projects which plan to hire from target groups--women, native persons, disabled persons. Priority is also given to projects which meet certain national and regional priorities. CEIC has included "projects by or for disabled persons" on this list. It does not necessarily mean, however, that these projects will involve improved accessibility for disabled persons.

**Not Convinced:** The Committee is not convinced that the intent of this recommendation has been addressed through the Canada Community Development Projects, because projects are not related to making public buildings accessible. The Committee still feels that the Federal Government can use its influence to encourage the provinces and municipalities to make public buildings accessible. The Committee, therefore, asks the Federal Government to study this recommendation and to take further action.

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## T R A N S P O R T A T I O N

### 83 PROVIDE REASONABLE ACCESS FOR DISABLED PERSONS TO ALL MODES OF TRANSPORTATION UNDER FEDERAL JURISDICTION

That the Federal Government direct the Minister of Transport to develop, in consultation with disabled persons and their organizations, and to publish a National Policy on Transportation for Disabled Persons, to provide reasonable access to all transportation modes under federal jurisdiction. This policy should meet the objectives of standardizing tariffs, procedures, rules, regulations among transportation modes and lead to a greater rationalization of services, particularly between parallel and regular services.

**Confusion:** Transportation services for disabled persons are a shared responsibility among federal, provincial and municipal governments. These responsibilities cover air, ferries, commuter rail and bus systems. In addition to inter-jurisdictional problems, further complexity stems from different regulatory mandates within federal agencies. For example, Air Canada, the Department of Transport, and the Canadian Transport Commission are all involved in inter-provincial air service. This adds up to red tape for the disabled traveller. The Committee believes that insofar as different travel modes fall directly under federal jurisdiction a single policy should be established to deal with the needs of disabled travellers. As present, the Federal Government has jurisdiction over the following modes of travel:

- . Air carriers
- . Inter-provincial rail
- . Inter-provincial buses
- . Inter-provincial ferries
- . Roadcruiser service in Newfoundland.

**Reasonable Solutions:** A national policy will make it easier for government, carriers, disabled persons, and their organizations, to agree on reasonable solutions to meet the needs of the mobility handicapped. Expectations and apprehensions will be fully aired in the process of developing such a policy statement.

**1982: COMMITTED**

**Federal Policy:** The Department of Transport has prepared, in consultation with the disabled persons, a proposed federal policy. It is now being sent to provinces, carriers, mayors, and disabled consumers for comment. In addition, the important activity of standardizing tariffs, procedures, rules and regulations is underway in the rail and ferry modes of transportation, is under study by the Canadian Transportation Commission for air travel, and is under study by the Canadian Motor Coach Association for the bus mode.

**Concerned:** The Committee commends the Department of Transport for developing this policy and for involving disabled consumers in its ultimate formulation. The Committee is, however, concerned about the length of time involved in this process, and urges the Department to proceed as expeditiously as possible.

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**84 ENSURE THAT MAJOR TRANSPORTATION TERMINALS ARE EQUIPPED FOR THE SPECIAL NEEDS OF DISABLED PERSONS**

That, pending the adoption of a National Transportation Policy for Disabled Persons, the Federal Government, through the Department of Transport develop and implement a plan which will ensure that major transportation terminals (including air, rail and ferry) under its jurisdiction be reasonably accessible

and, in particular, that all major terminals have accessible toilets, ticket counters, baggage lockers, restaurants, telephones, drinking fountains, audio and visual communication and information systems, elevators and ramps for movement between levels, and accessible parking areas.

That the Federal Government, through the Department of Transport, publish a schedule outlining its plan and schedule for achieving reasonable access to transportation terminals.

**Up-front Obstacles:** Access to transportation services can be difficult or impossible for disabled persons because some transportation terminals are not accessible. Travel by airplane, train, bus or ferry can be a most frustrating experience to a disabled person if the parking areas, entrances to the terminal and ticket counters are not accessible.

**First Moves:** The Canadian Transport Commission has already ordered VIA Rail to make certain that its major terminals are accessible in the ways listed above. Transport Canada has embarked upon a program to make air terminals accessible by 1983. The Canadian Transport Commission has ordered manual lifting at 13 major railway stations, but no timetable is yet available for conversion of many older terminals. The Department of Transport should now implement a plan which will ensure facilities for disabled persons in all major transportation terminals (air, rail and ferry) under its jurisdiction.

#### 1982: COMMITTED

**Taking Place:** Improved accessibility for disabled persons under federal jurisdiction is taking place:

- The Department of Transport will spend \$2.2 million to provide basic access to 98 airport terminals, with a target date for completing this work of January 1983.



- . VIA Rail will provide access to 40 major stations by 1985, with a total expenditure over that time of \$16 million.

**Ferries and Buses:** CN Marine has an advisory committee of disabled persons to aid in the identification of problems at terminals or ferries. Although bus terminals are generally owned by bus companies, the Canadian Motor Coach Association is studying ways to provide better access to terminals.

**Spillover Concern:** This recommendation is strongly supported by consumer groups of disabled persons. The effect of the federal initiatives may influence provincial actions. In Ontario, the March of Dimes urges that GO Transit be required to comply with federal policy. But the Ontario Minister of Transportation expressed concern about the spillover effect of such a policy, namely, that there would then be a requirement to make subway stations accessible.

**Where Possible:** The Committee is committed to the principle of accessible terminals wherever possible. It is pleased with the efforts of the Federal Government, particularly in providing accessible airports and train stations.

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## 85 REQUIRE ALL GOVERNMENT-FUNDED TRANSPORT EQUIPMENT BE ACCESSIBLE TO DISABLED PERSONS

That the Federal Government ensure that all passenger transport equipment purchased or retrofitted with federal funds be required, as a condition of funding, to be reasonably accessible to disabled persons.

**Major Efforts:** For the most part, railway cars, aircraft, buses, ferries and their facilities are not accessible. The only exception are the West Coast ferries, and "The Straightway" East Coast ferries, now under construction. "Reasonably accessible" means that the disabled person can enter the vehicle and be properly seated without assistance.

**Improvements:** In the near future, wheelchair accessible aircraft will become available from manufacturers. VIA Rail has already ordered a number of accessible railcars.

Until these accessible vehicles are in widespread use, the following improvements should be made to make existing stock more accessible:

- **Lifts:** Terminals for aircraft trains and ferries should have some facility--mechanical or otherwise--for lifting wheelchairs on and off vehicles.
- **Seats:** Seats near the entrance doors should be reserved for disabled travellers, and these seats should have "removable" armrests.
- **Toilets:** Toilets should be accessible where technically possible.
- **Aisles:** An onboard wheelchair should be available for passengers who need to move in the aisles.
- **Communications:** Visual and audio systems for communicating to sensory-impaired passengers.

#### 1982: UNDER CONSIDERATION

**Retrofit:** VIA Rail intends to retrofit some 150 rail diesel cars with train-based lifts. The corporation also announced that its new LRC cars are accessible. CN Marine equipment will be accessible. A committee to assist in the design of new equipment includes disabled persons.

**Expressed Concern:** At a hearing with the Committee, the Department of Transport expressed concern about the Committee's definition of "reasonably accessible". In its report, the Committee suggested that "reasonably accessible" means that the disabled person can enter the vehicle and be properly seated without assistance. The Committee intended this definition to serve as a guideline.

**Provincial Control:** The Department of Transport also pointed out that federal funds may be used to purchase equipment for provincial transportation facilities, but control over the disposition of these funds rests with the provincial governments. For example, federal funds are promised for refurbishing Montreal commuter services, but disposition is up to the Quebec Government. In such cases, the Federal Government can request that accessibility be considered, but it cannot insist upon this without jeopardizing the program.

**Critical:** The Ontario Minister of Transportation was critical of this recommendation, stating that the Federal Government funding should not override the concept of "optimum local solution", which means simply that funds will be used in the best interests of the majority of local people.

**Attaching Conditions:** The Committee is fully committed to the principle that all levels of government should obtain transport equipment that is "reasonably accessible" to disabled persons. In order for disabled persons to live independently in the community, certain measures must be taken such as reasonably accessible transport equipment. The Committee, in investigating the various levers which the Federal Government might have to facilitate the use of such equipment, decided to recommend attaching conditions to the disposition of federal funds. The Committee feels that its position does not place unnecessarily stringent conditions on the operation of a program. Furthermore, all programs for the purchase of transport equipment should recognize the importance of reasonably accessible equipment.

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## 86 REQUIRE ROADCRUISER BUSES IN NEWFOUNDLAND TO HAVE WHEELCHAIR LIFTS

That the Federal Government request the Canadian Transport Commission to require the Roadcruiser bus service in Newfoundland to provide a mechanical facility or a service for lifting people in wheelchairs on and off the vehicles.

**Only Service:** The Roadcruiser is the only public transportation service in Newfoundland. Since it takes the place of rail service on the island, it falls under federal jurisdiction. At present, the Roadcruiser buses are not accessible to disabled persons in wheelchairs. This deficiency should be corrected as quickly as possible. The first objective is to ensure that disabled persons have access to at least one regularly scheduled bus each day, travelling both east and west.

**Available:** Roadcruiser buses should be equipped with a mechanical device or some other facility for lifting people in wheelchairs on and off the vehicle. This is not impossible since there are already hydraulic lifts in use on urban buses which could be adapted to intercity buses. Disabled persons using the Roadcruiser should not be required to use an attendant, or to present a travel card that certifies that they are able to travel on their own. Terminals on route should be made accessible, so that the toilets on the buses are not required to be accessible. Communications facilities should be established in the terminals for the benefit of hearing and visually-impaired persons.

**Country-wide:** These recommendations which apply specifically to the Roadcruiser buses in Newfoundland should also be applied to other intercity buses, travelling major routes across Canada, which fall under direct federal jurisdiction.

#### 1982: UNDER CONSIDERATION

**Manual Lifting:** Roadcruiser Service adopted a policy of manual lifting on June 1, 1981. At a hearing in the spring of 1981, the Minister of Transport stated his support for this recommendation, with modifications. He was looking at options for providing maximum access--for example, a regular bus with mechanical lift or a parallel service.



**Public Input:** The Canadian Transport Commission agreed to hold hearings in nine Newfoundland cities and towns to gather input from the public. The meetings were held in September 1981, and a report submitted to the Minister in December 1981, offered the following recommendations:

1. That an Advisory Committee be formed made up of representatives of the disabled as well as representatives of the Newfoundland and Federal Governments, Roadcruiser personnel and others.
2. That the Advisory Committee oversee the implementation of improvements into the existing Roadcruiser buses including the use of a Washington Chair (a special narrow wheelchair).
3. That there be implemented, on an experimental basis, a new bus service for both the able-bodied and the disabled, the service to be designed around the travel needs of the disabled and closely monitored by the Advisory Committee.
4. That the Department of Transport and the Canadian Transport Commission personnel continue to monitor new technological improvements for intercity buses.

**Imposed Duty:** The Motor Vehicle Transport Committee which has jurisdiction over the Roadcruiser Service also ruled that "a program that will improve bus transport for Newfoundland's disabled is an "imposed public duty" in respect of Roadcruiser or any other intercity bus line and required, therefore, compensation as called for by Parliament in Section 3(c) of the National Transportation Act.

**Further Indication:** The Committee is pleased that the Department of Transport has agreed to improve existing services. The Committee, however, would like further indications of exactly what improvements are being planned and when these will be implemented. The Members urge the Department of Transport and the Canadian Transport Commission to get on with implementation.

## 87 EXEMPT PURCHASE OF ACCESSIBLE BUSES FROM SALES TAX

That the Federal Government direct the Department of National Revenue to exempt the purchase of accessible intercity buses from the federal sales tax to encourage the development of an accessible intercity bus service across Canada.

**Well Disposed:** The intercity bus industry has long recognized the need of the disabled traveller. For many years, it has allowed a disabled person who requires an attendant to travel on the basis of a "two for one" tariff. Also, many of the main bus terminals constructed during the past decade were planned with the needs of disabled persons in mind.

**Lack of Accessible Bus:** All the buses presently in use are not accessible. However, accessible buses are now being designed and produced for use in the United States.

**Reasonable Access:** Disabled persons are not asking for all intercity buses to be accessible. What is being proposed is that certain key intercity routes be available to the disabled traveller. In time, in the light of experience, more routes could be made available.

**First Step:** A first step in this direction would be for intercity bus carriers to purchase a few accessible buses. In order to encourage this initiative, the Committee believes that the additional cost for an accessible bus could be substantially offset by exempting the bus company from paying the federal sales tax whenever an accessible bus is purchased. In addition, the provinces should be encouraged to provide exemptions from provincial sales tax.

### 1982: IMPLEMENTED

The Excise Tax Act now exempts the following:

- . Buses holding 12 or more people.

- . Vans to be used for transportation of disabled persons.
- . Any modifications to new intercity buses.
- . Any modifications in excess of \$2,000 to an old bus.
- . Hydraulic lifts for vans and buses.
- . Parts and equipment on new bus or van.
- . Hand controls for cars.

**Encourage Use:** Such exemptions will encourage the use of accessible equipment. The Committee is pleased by the response of the Federal Government and urges provincial governments to follow suit.

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**88 REQUIRE AIR CARRIERS TO CHARGE ONLY ONE FARE FOR  
DISABLED PERSON AND ATTENDANT**

- (A) That the Federal Government, through the Minister of Transport require that air carriers adopt a policy of accepting the disabled traveller's estimate of his/her self-reliance, without medical certificates or waivers of disability.
- (B) That, where necessary, boarding assistance be provided by carriers.
- (C) That where an attendant is required to care for the personal needs of a disabled traveller, that attendant will travel free.
- (D) That where more than one seat is required for the transport of a disabled person for various reasons arising from his/her disability, only one fare will be charged for that traveller.

**Obstructions:** Disabled persons should be allowed to travel on their own statement of self-reliance, and not be required to present a medical certificate. The latter practice has been required by most airlines in the past and it has caused both inconvenience and embarrassment. The Committee applauds the initiative of the Air Transport Association of Canada (ATAC) in adopting the policy of accepting the disabled air traveller's word. The Committee requests the Association to encourage the International Air Transport Association (IATA) to adopt a similar policy.

**One Fare:** Disabled persons who are on stretchers, or who require a personal attendant, must pay a double fare. This makes air travel impossible for many disabled persons who are on low income. The Committee feels that these individuals should be required to pay a single fare only.

**Modest Cost:** Air carriers are resisting the free fare for an attendant because of the costs involved, because they fear that such a policy would be abused, and because they believe that free fare would constitute a social service for which they should not be responsible. Regarding the cost, it is well known that empty seats are available during off-peak hours, days and seasons. If disabled persons could fly at those times, there would be little or no costs to the airlines. Regarding the fear of abuse, it is not likely that disabled persons who have difficulty in going about their daily activities are suddenly going to start taking trips around the country or the world. Regarding the question of social service, it is the belief of the Committee that all sectors of Canadian society are responsible for improving the opportunity for disabled persons to lead normal lives. In comparison with the changes recommended for other organizations, this proposal to the air carriers is modest in cost and scope.

#### 1982: (A) IMPLEMENTED

**Self-Reliance:** Since February 1981, tariffs filed with the Canadian Transport Commission provide that, as a general policy, the passenger's declaration of self-reliance will be accepted without the need for medical



certificates or waivers. The Committee applauds the air carriers for their effort to support the independence of disabled air travellers by removing the use of certificates and waivers.

**1982: (B) IMPLEMENTED**

**Provided:** Boarding assistance is now being provided by the carriers. VIA Rail now supplies boarding assistance at 13 stations, and this will be extended to 40 within three years. CN Marine and Newfoundland Roadcruiser offer some assistance. The Committee is pleased that these carriers are recognizing the special needs of disabled travellers.

**1982: (C) IMPLEMENTED**

**Discriminatory:** The Air Transport Committee of the Canadian Transport Commission ruled on March 2, 1982, that the practice of charging for an attendant was discriminatory. "It is the Committee's opinion that the financial burden imposed on a handicapped person by requiring that person to pay for the seat occupied by an attendant who, in accordance with the air carrier's tariff must accompany the handicapped person, constitutes 'unjust discrimination' against the handicapped person."

**Procedures:** The Air Transport Committee feels that further study of administrative procedures, for (Research) of the Canadian Transport Commission estimated that the increased cost for free travel for an attendant would be 0.2%. He favoured including the cost of the tariff responsibility should be embraced by all Canadians. "All Canadians are responsible for the necessary changes which will give disabled persons the same choice of participation that are enjoyed by those who are not disabled".

**Share Costs:** In the case of Recommendation 88 (C), the Committee felt strongly that all travellers should share the costs incurred by the special needs of disabled persons. The amount involved is not large and does not constitute a financial hardship for an individual traveller. The Committee is pleased by the findings of the Air Transport Committee and urges the Special Advisory Panel on Transportation of the Canadian Transport Commission to act quickly in devising administrative procedures to implement this recommendation.

#### 1982: (D) COMMITTED

**Unreasonable:** The Air Transport Committee of the Canadian Transport Commission ruled on March 2, 1982, that the practice of requiring an obese person who needs more than one seat to pay 50% in addition to full fare is both "unjustly discriminatory" and an "undue or unreasonable prejudice or disadvantage". The Committee further stated: "...it is the airlines which ultimately decide on the design of the seats provided for the passengers; the obese, as part of the public, are not presently being satisfactorily accommodated by those seats."

**Advance Notice:** The Air Transport Committee felt that further study of administrative procedures, for example, criteria for allowing an obese person more than one seat, and the amount of advance notice required for this, is required before implementation of the decision is ordered.

**Separate Case:** The Air Transport Committee believes that the case of handicapped persons who can only travel on a stretcher is a separate matter, and it has not yet ruled on it.

**Extreme Expense:** The Special Committee is pleased with the findings of the Air Transport Committee with respect to obese travellers. It urges quick action in resolving the administrative problems involved in its implementation. In addition, the Special Committee urges the Air Transport Committee to examine the case of disabled travellers who must use stretchers, because these persons must now pay three air fares for the

stretcher and one for the attendant. Joan Green, who profile appeared in OBSTACLES, told the Members of the Committee about the extreme expense involved in travelling because of these additional fares.

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## 89 PROVIDE WHEELCHAIRS AND BATTERIES AT AIRPORTS

That the Federal Government request the Canadian Transport Commission (CTC) to require air carriers to have available at airports, a few wheelchairs and batteries, to be loaned to disabled passengers in case of loss or severe damage, and to require air carriers to reimburse, at replacement cost rather than purchase price, owners of lost or severely damaged wheelchairs.

**Disaster:** Disabled air travellers are not allowed to keep their wheelchairs in the passenger compartment. The chairs are stored in baggage compartments. Since baggage has been known to be lost or damaged, there is no reason why the same thing cannot happen to a wheelchair. In fact, damage to wheelchairs is a frequent occurrence. When this happens, it can be disastrous for the disabled person. Repairs or settlement of claims can take weeks. Meanwhile, the traveller is helpless, without a chair.

**Wet Cell Batteries:** Electric wheelchairs use a type of "wet" battery which some airlines will not take on board for fear of an acid spill. As a result, a disabled person must leave one set of batteries behind, and arrange to have another set waiting for him or her at the destination airport.

**"Service" Theme:** Advertisements and commercials run by the airlines constantly stress "service to customers". Disabled travellers should now be included in this theme. It will cost the airlines very little money, and gain them considerable goodwill, if they will help disabled persons solve this problem of wheelchairs and batteries.

**Twenty-five cent Solution:** First of all, the airlines should be required to have available at airports replacement wheelchairs and batteries to be loaned to those disabled passengers who experience loss or damage. Secondly, the Air Transport Association of Canada, in consultation with its members, should develop a suitable means for carrying wet-cell batteries. Before spending a lot of time and money on this project, however, the air carriers should consult with Air Canada. Its representatives showed the Members of the Committee plastic caps costing twenty-five cents each which they believed would eliminate the possibility of spillage.

#### 1982: COMMITTED

**Study Situation:** At a hearing in the spring of 1982, the Canadian Transport and the Department of Transport agreed to study the situation. The Air Transport Association of Canada's Committee for the Carriage of Disabled recommended to the air carriers that: "under the rule covering baggage liability, the following be inserted:

1. In cases of damaged or delayed mobility aids, e.g., wheelchairs and walkers, carriers will obtain a temporary replacement without undue delay while the passenger's mobility aid is being repaired or returned.
2. When passenger's mobility aid is damaged beyond repair or permanently lost, the carrier will replace, without regard to normal limitations of liability, at the current cost."

**New Tariff:** Air Canada's new tariff which has been filed with the Air Transport Committee reflected Item 2. It is anticipated that the other carriers will follow this example. Item 1, temporary replacement, is still under discussion by the carriers.

**Essential:** For members of the travelling public who use wheelchairs, it is essential that these wheelchairs arrive promptly and intact at their



destination. The Committee is pleased that the Air Transport Association of Canada has acknowledged the importance of ensuring the prompt arrival of wheelchairs.

**Lost or Damaged:** The Committee commends Air Canada for including in its new tariff reference to replacement at current cost of lost or severely damaged wheelchairs. It urges other carriers to act quickly in adopting a similar tariff. The question of a temporary replacement is of crucial importance. Therefore, the Committee urges all carriers to act quickly to resolve the difficulties in implementing Part 1 of this recommendation.

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**90 IMPLEMENT UNIFORM PARKING POLICY FOR DISABLED PERSONS AT FEDERAL FACILITIES**

That, where the Federal Government has jurisdiction over parking, such as at some transportation terminals, national parks or at federally-owned public buildings, a uniform national policy be developed which will ensure reserved parking facilities for disabled drivers and passengers close to entrances with proper signage and clearly-defined penalties for infraction.

That a national system be developed for identifying vehicles driven by disabled drivers so that unauthorized vehicles can be ticketed.

**Car Essential:** Most public transportation systems in Canada are inaccessible to disabled persons at this time, and are likely to remain so for some time. This means that private transportation by car will be the only way most disabled persons can travel. Automobile travel constitutes 85% of all passenger trips for disabled persons. The lack of adequate,

accessible parking spaces, therefore, causes a severe limitation on mobility. The Federal Government has no jurisdiction over private, provincial or municipal parking lots. But insofar as federal parks, airports, post offices and other federal properties are concerned, the Federal Government should ensure that parking areas are made accessible.

**Identification:** The Federal Government should co-ordinate the establishment of a national identification system for cars of disabled persons. Since vehicle licensing and registration is a provincial responsibility, this identification system would require the agreement of the provinces. The ticketing of unauthorized vehicles in reserved spaces would sometimes be a federal responsibility, sometimes a municipal one. The spaces provided for disabled persons should be enlarged to ensure adequate manoeuvring room to move a wheelchair into position while holding the car door open.

#### 1982: UNDER CONSIDERATION

**Identification System:** Treasury Board is developing a parking policy for federal employees and the visiting public at all federally-owned buildings. The Department of Transport supports this recommendation and has asked VIA Rail and CN Marine to have sufficient parking for disabled persons. However, it is difficult to enforce any parking policy without a system of identification of vehicles. The Department of Transport reports that provincial ministers of transportation have agreed to support the development of a national system but progress is slow.

**Nova Scotia:** In November 1981, the Province of Nova Scotia issued special licence plates to identify vehicles. The Regional Municipality of Ottawa-Carleton uses identity cards to be placed on the windshield of any vehicle in which a disabled person is a driver or passenger.

**Some Action:** The Committee is pleased to see that some action is taking place, but it urges the Government to move more quickly in responding to the needs for parking spaces for disabled persons. Everyone agrees the need is there, now is the time for action. The Committee also urges the

Minister of Transport to take the lead in initiating discussions with provincial counterparts on a national identity program.

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#### 91 ESTABLISH FUND TO ALTER AUTOMOBILES FOR USE BY DISABLED DRIVERS

That the Federal Government negotiate with the provinces a cost-sharing agreement to establish a fund similar to the Student Loan Program to assist disabled drivers in the retrofitting of personal vehicles. The fund should be a finite sum of money set aside specifically for this purpose.

**Loan Scheme:** Adapting a car or van for use by a disabled driver can cost as much as \$6,000. The Federal Government should establish a loan program, similar to Student Loan Program, which will enable disabled persons to alter their vehicles and pay for the costs over a period of time. The repayment period should be extended according to the individual's disposable earnings.

#### 1982: UNDER CONSIDERATION

**Not Transportation:** The Department of Transport feels that this recommendation properly belongs under rehabilitation as it is a "social" service, not a transportation service. At present, the alteration of automobiles can be financed under the Canada Assistance Plan or the Vocational Rehabilitation of Disabled Persons Act, under **certain** circumstances, namely, for students who require cars for educational purposes.

**Costed Options:** The Minister of National Health and Welfare is including this topic in the Federal-Provincial consultation on developing "costed options" for employment services, technical aids and improved social services for disabled persons. Information on costs of such programs will be presented to Cabinet by the autumn of 1982.

**Independent Living:** The Committee is pleased that the Minister has included this subject in the list of services for disabled persons to be discussed in the Federal-Provincial study. The Committee urges the Department of National Health and Welfare to give serious consideration to the various services which come under the general heading of "independent living".

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92    **DIRECT MORE TRANSPORTATION FUNDS TO DISABLED PERSONS IF UTAP IS CONTINUED**

That, in the event that any future initiatives or expansion of the Urban Transportation Assistance Program (UTAP) is undertaken, the Federal Government instruct the Minister of Transport to direct a specified portion of the funds to the transportation needs of disabled persons.

**Drop in Bucket:** The Urban Transport Assistance Plan provides funds to provinces to upgrade urban transportation facilities. Most of the provinces have used the funds for railway grade separations, crossings, and other maintenance purposes. Since UTAP began, more than \$101,000,000 in projects have been approved. The request for monies must come from a province, but so far only \$160,000 has been requested for transportation for disabled persons. The Committee recommends that a continuation of UTAP should provide a greater proportion of funds for disabled travellers.

**1982: NOT IMPLEMENTED**

**Unlikely:** The Department of Transport has told the Committee that "a further program of federal urban transportation financial assistance is unlikely". The current program is based upon allowing provinces to have flexibility in selecting projects. The Department of Transport cannot order the provinces to spend money in a particular way.



**Criticized:** The Ontario Minister of Transportation criticized the recommendation, saying that "diversion of funds to the disabled area would dilute the amount available for railway grade separations". He felt that if new funds were available, these should be channelled through the province.

**Take into Account:** The Committee is disappointed that the Government is unlikely to expand the UTAP program. The Committee reiterates its position that in any future urban transportation finance assistance program that the transportation needs of disabled persons be taken into account.

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## **SPORTS, RECREATION AND LEISURE**

### **93 PROVIDE GREATER RECREATIONAL PROGRAMS AND INFORMATION FOR DISABLED PERSONS**

That the Federal Government departments and agencies such as Parks Canada, National Museums of Canada, National Government Office of Tourism, and the National Capital Commission, which provide or promote leisure activities, give high priority to making their services and programs available to disabled persons.

**Higher Priority:** Disabled persons have little access to the recreational opportunities provided to non-disabled persons by Parks Canada and other federal agencies. Parks Canada, in particular, has stated to the Special Committee that the needs of disabled persons are low priority because providing special programs would not be cost-effective. The Members of the Committee do not accept this reasoning. Any facility open to the public, which is funded by the public, should be accessible to disabled persons--unless this is practically impossible. This is a basic civil right and takes priority over any other consideration. Wherever possible, therefore, these agencies should strive to make their existing programs and services available to disabled persons, and to make special efforts to inform disabled persons about these new recreational opportunities.

### **1982: UNDER CONSIDERATION**

**Accelerate Program:** The Department of the Environment has a program to retrofit buildings in order to provide accessibility to disabled persons. The Department will now accelerate this program. The Department also provides services and facilities for disabled persons which are integrated with those provided to the general public. Special and continuing projects addressing the concerns of disabled persons were initiated at over 30 locations during 1981. There has been an increased effort to inform disabled persons about these programs.

**Special Edition:** Fitness and Amateur Sport Canada has funded a special edition of **Recreation Canada**, the publication of the Canadian Parks/Recreation Association, which stressed leisure activities for persons with disabilities, and emphasized the variety of integrated programs which are available, along with information on planning programs.

**Strong Commitment:** The Committee commends the Department of the Environment and Fitness and Amateur Sport for their initiatives, but the Members would also like to see a strong commitment of support from the various federal departments and agencies which offer leisure activities.

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#### 94 INTEGRATE DISABLED PERSONS INTO EXISTING SPORTS ACTIVITIES

That steps be taken to encourage the integration of disabled persons into sports governing bodies where appropriate, along the lines recommended by the national symposium on Sport Integration for the Physically Disabled held in September 1979.

**Overcome Myth:** One of the biggest attitudinal obstacles that disabled persons must overcome is the myth that they cannot participate in physical activities, especially in sports. Yet, many disabled persons are able to enjoy swimming, wrestling, table tennis, basketball and skiing, to name a few examples, when these activities are made accessible to them. Participation with able-bodied persons in sports is an important way in which many disabled persons gain the confidence to live independently in other areas of daily life.

**Useful Step:** Fitness and Amateur Sport Canada recently held a national symposium on Sport Integration for the Physically Disabled. The symposium drew representatives from the national and provincial sport governing bodies to discuss and initiate policies for integrating disabled persons

into existing programs. The Members of the Committee see this action as a very useful first step, which should now become a guide throughout Canada for increasing the participation of disabled persons in as many different sports as possible.

**1982: COMMITTED**

**Policy Review:** Fitness and Amateur Sport supports the principle of integration, and a policy review by that organization will reflect this commitment in the following ways:

- . Sports organizations of the disabled will be encouraged to directly access services provided by national sport organizations to the able-bodied.
- . Able-bodied sport organizations will be encouraged to provide services to the disabled sport associations.
- . The Athlete Assistance Program will be modified to include specific provisions to assist disabled athletes.

**Importance:** The Committee is pleased with the federal initiatives. Several groups stated to the Committee, during its regional hearings, that recreational opportunities are of great importance to disabled persons, and the Committee encourages the Federal Government to emphasize accessibility in all of its sports-related policies.

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## E D U C A T I O N

### 95 DEVELOP MATERIALS ON DISABILITY FOR TEACHER TRAINING COURSE

That provincial ministries of education be encouraged to develop, for use in teacher training programs, course material and teaching aids about physical and mental disabilities.

**Unprepared:** As things stand now, most primary school teachers do not know how to deal with a disabled child in their classrooms. Current training programs provide minimal information about disability. This is particularly true when the problem is a learning disability. The Committee heard complaints from parents in every province about the treatment that some learning disabled children receive from teachers who are ignorant about their condition.

### 1982: NO JURISDICTION

**Note:** The development of materials on disability for teacher training is generally not a federal responsibility. However, the Department of National Health and Welfare provides technical and financial support to a number of special projects which address the intent of this recommendation. The Department co-operates with several voluntary agencies which have, as one of their objectives, the production of teacher training and general educational materials.

Associations of and for disabled persons strongly support this recommendation, particularly as the number of integrated classes increases.

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### 96 ENCOURAGE PROFESSIONAL SCHOOLS TO LEARN ABOUT DISABILITIES

That professional schools and faculties be encouraged to include course material about disability, particularly learning disability and mental illness.

**Serious Obstacles:** Canadian society depends heavily upon the competence of doctors, nurses, lawyers, social workers, architects, and police. At present, there is very little knowledge among these professions concerning the needs of mentally disabled persons, particularly those with learning disabilities and mental illnesses. This ignorance, in varying degrees, places serious obstacles in the path of disabled persons who are trying to deal with the everyday tasks of living in society.

**Early Awareness:** The earlier in life that a disabled person receives sensible treatment from society, the fewer long-term problems there will be, both for the person and for society. The professions mentioned above are most likely to encounter disabled persons--simply because the greatest problems that disabled persons have come from conflicts with the very institutions that these professions represent: hospitals, medicine, public buildings, and the legal system.

**Training:** If professional training programs included content related to understanding the needs of disabled persons, many errors could be avoided.

#### 1982: NO JURISDICTION

**Note:** This recommendation falls under provincial responsibility. There has been strong support from associations, although the NWT Association for Children with Learning Disabilities felt that the recommendation was not strong enough.

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#### 97 ESTABLISH SIGN LANGUAGE DEPARTMENT IN BOTH LANGUAGES AT UNIVERSITY

That the Federal Government direct the Department of the Secretary of State to encourage the Canadian Council of Deafness and its affiliates to initiate the establishment of an accredited sign language department at an English-speaking and French-speaking university which would:

- . Recognize that sign language is a distinct language and assist the development of curriculum and standards for credit courses to be taken by hearing persons similar to other language courses.
- . Provide sign interpreters for a variety of courses which will enable deaf students to follow regular courses.

**Desperate Need:** There is a desperate need for teachers who can teach sign interpretation. These teachers will not be developed or attracted unless there is a major university department which specializes in this skill. The deaf are education-poor precisely because there are few sign interpreters in Canada. Thousands of very intelligent, but hearing-impaired individuals, are cut off from any kind of higher education simply because they face a communication barrier.

**Funds Available:** Education officials who appeared before the Committee have indicated that this type of program would receive support at the provincial level. Existing federal-provincial cost-sharing agreements would presently provide up to 50% of the block funding required by the accredited university where the special department is established. Academic standards and accreditation for sign interpreters are already established in the U.S., and could be used as a guide in the early stages of the new faculty.

#### **1982: COMMITTED**

**\$30,000 Grant:** The Department of the Secretary of State has awarded a grant of \$30,000 to the Canadian Co-ordinating Council on Deafness to initiate an Advanced Sign Language Studies Program at the University of Ottawa. The program will be in place by mid-1982.

**Excellent Proposal:** This proposal has received strong support from the deaf community in Canada, and elsewhere. The President of Gallaudet

College, a specialized facility in Washington, D.C., which has provided higher education for hearing-impaired persons for over 100 years, wrote that this recommendation was an "excellent proposal" and offered to share his experience and expertise in such an endeavour.

**Shortage:** The Committee is pleased that the Department of the Secretary of State has acted upon this recommendation. Throughout its regional hearings, the Committee utilized the services of sign interpreters so that deaf persons appearing before the meetings could participate fully. The Committee realized that there was a shortage of interpreters in Canada and feels that the implementation of this recommendation will help to overcome this shortage.

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## AIDS AND DEVICES

### 98 PROVIDE AIDS TO HELP DISABLED PERSONS LIVE INDEPENDENTLY

That the Federal Government negotiate a cost-sharing agreement with the provinces to provide a comprehensive range of aids; designed or modified to compensate for the effects of a disability, or to enable an individual to live as independently as possible in the community and that:

- . These aids and devices should be provided by the provinces, preferably as part of their insured health services, to disabled persons who need them;
- . Expensive aids and devices, including those for visually and hearing-impaired persons, should be provided to disabled persons who need them on a loan basis and remain the property of the provinces, which will also be responsible for their maintenance.

**Inquiries:** In the matter of technical aids and devices, disabled persons are not dealt with uniformly or adequately. Most aids for adults are provided under provincial programs, such as Workmen's Compensation, vocational rehabilitation services, or social assistance. However, there are many instances where the disabled person who is on a low income, must depend upon charity.

**Backward Policy:** Why should disabled persons have to rely on charity or their own limited resources to get aids and devices which are essential to their daily living? European countries, such as Sweden, consider free access to these aids and devices to be a basic human right. Canada is not only backward in its policies, but pays a very heavy price for them. The Committee heard of persons being institutionalized for long periods of time solely because of the lack of a single technical aid. One disabled person waited 18 months in hospital before receiving a \$2,500 wheelchair. The cost of institutionalization in this case was almost \$40,000.

1982: COMMITTED

**Providing Aids:** Cabinet has authorized the Minister of National Health and Welfare to get "costed options" for providing aids to independent living. The Federal and Provincial Ministers agreed to supply data for this study. In the meantime, the Department of National Health and Welfare will consult with disabled consumers.

**In Need:** When questioned about financing a program for aids and devices, the Minister indicated that she did not see such a program as falling under the Established Programs Financing Act, under which medicare is financed.

Rather she sees such a program as coming under the Canada Assistance Plan (CAP) or Vocational Rehabilitation of Disabled Persons Act (VRDP). These are cost-shared with the provinces and a province must initiate a program. But CAP and VRDP are limited in terms of the people they can help. To qualify under CAP, for example, one must be "in need" or "likely to be in need". The Minister does not plan to change the basic philosophy of the funding of these programs, and again stresses that the provinces must take the initiative.

**Discrepancies:** When the Committee held regional hearings, it was alarmed by the discrepancies which exist between the provinces in the provision of technical aids. Therefore, the Committee wanted the Federal Government to use whatever means available to ensure that persons in all parts of Canada have access to such aids, even if that meant making the provision of aids a minimum standards and a condition of funding. It is not necessary to use the CAP or VRDP programs to do this. Rather the Committee felt that the Established Programs Financing Act should be used.

**Five-year Agreement:** Given the amount of federal money given to the provinces for health services under the Established Programs Financing Act and also that in 1982, new five-year agreements were to be signed, the Committee continues to urge the Federal Government to make provision of such aids a condition of funding.

**99 CONTINUE PRODUCING STANDARDS OF QUALITY FOR AIDS AND DEVICES FOR DISABLED PERSONS**

That the Federal Government encourage the Canadian Standards Association (CSA) to continue its work in producing standards for aids and devices which are manufactured in Canada or which are imported for the use of the physically disabled.

**No Protection:** At present in Canada, there are no standards for the manufacture of aids and devices for disabled persons, or any to govern the importation of products from abroad. This particular industry is no more immune to unethical and incompetent practices than any other. The Federal Government should applaud the Canadian Standards Association for its existing efforts, and encourage the CSA through its committees to develop standards for special aids and devices in the marketplace.

**1982: COMMITTED**

**Extend Guidelines:** Over the past several years, the Department of National Health and Welfare has been committed to the development of guidelines for the selection, fitting and maintenance of acoustic devices. The Department is now considering extending this approach to other devices, a move which will include consultation with the Canadian General Standards Board.

**Advisory Panels:** Officials from the Department of Consumer and Corporate Affairs have participated on Consumer Advisory Panels which were set up under the Canadian Standards Association to develop standards for aids and devices. These standards are being developed at this time for

- . Adaptive automobile control systems, for motor vehicles
- . Hand-powered wheelchairs.

**By Consensus:** The Canadian Standards Association is prepared to participate "in the development of standards by consensus" (by consultation) for acoustic devices, which would deal with matters such as the incompatibility between hearing aids and telephone equipment.

**Expand List:** The Committee feels that these departments must continue this work and also expand the list of items for which standards are being developed.

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## C O N S U M E R I S M

### 100 PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO GROUPS OF DISABLED CONSUMERS

That the Federal Government direct the Department of the Secretary of State through its Citizens' Participation Directorate to give a higher priority to the provision of technical assistance, and core funding, to organizations of disabled persons.

That the Federal Government direct the Department of the Secretary of State to explore the role to be played by the National Voluntary Organization (NVO) to enable disabled persons to participate more fully in all aspects of Canadian life.

**"Consumer":** Disabled persons across Canada have organized themselves into "consumer organizations" to make known their special needs as consumers of goods and services. Many recommendations in this Report stem directly from testimony provided by these organizations.

**Disadvantage:** At this time, disabled consumers are facing severe organizational and financial difficulties. The consumer movement is a recent phenomenon which has emerged at a time when all levels of government are under economic constraints. This has meant that established voluntary organizations have been better equipped to take advantage of the funds that are available, leaving little money for emerging organizations.

**Logical Source:** The Department of the Secretary of State supports a variety of voluntary organizations. This Department, then, seems to be the logical choice to provide assistance to disabled consumers. For their part, the consumer organizations voiced preference for Secretary of State as a potential source of assistance.

**1982: IMPLEMENTED**

**Umbrella Organizations:** The Citizen's Participation Directorate of the Department of the Secretary of State is providing technical assistance and core-funding to national organizations of disabled persons. In 1981-82, this funding amounted to \$500,000, and in the present fiscal year it will be increased to \$800,000.

**Central Theme:** The Committee established in OBSTACLES the central theme of consultation by the Federal Government with disabled persons and their organizations. The Members are convinced that policies cannot be effective unless they have been formulated from direct consultation with those who will be affected. The Committee applauds the Department of the Secretary of State for its support to disabled consumers.

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**101 ENSURE GOVERNMENT CONSULTATION WITH DISABLED CONSUMERS**

That the Federal Government adopt a policy which will ensure that disabled persons and their organizations will be consulted on all significant initiatives within federal jurisdiction which affect disabled persons.

That the federal departments and agencies be encouraged to cover basic expenses of consultation with disabled persons and their organizations, and, where appropriate, enter into contracts with disabled persons who can act as consultants or advisors.

**Costly Omission:** Too often, the Federal Government has developed programs and policies which directly affect the lives of disabled persons without consulting with those affected. As might be predicted, these programs have frequently created more problems than they solved. The result has been wasted resources and considerable frustration on the part of both disabled persons and the government personnel involved.

**Consultative Links:** The Treasury Board, the Department of Transport and the National Film Board have now taken steps to establish formal consultative links with disabled persons and their organizations. The Committee sees this as a common sense policy which should be followed by all other departments and agencies.

#### 1982: UNDER CONSIDERATION

**Worthwhile:** Throughout its hearings and in the preparation of OBSTACLES, the Committee demonstrated a commitment to the principle of consultation. Because of the time and effort taken to do so, even disabled activists who had been opposed to the Committee felt the process had been worthwhile. Consultation is more a way of thinking or an approach rather than a formal structure. The Committee feels it is necessary to have a definition of consultation. The mechanism for carrying it out may vary, for example, formal committee or informal meetings.

**Limited Progress:** There has been limited progress since the publication of OBSTACLES in encouraging consultation. A number of departments have developed consultative mechanisms but these have placed a heavy load on voluntary organizations. The Department of the Secretary of State is consulting with the Coalition of Provincial Organizations of the Handicapped (COPOH) about appropriate mechanisms for consultation.

**Recognized:** The Canadian Mental Health Association has asked for consultative mechanisms to ensure that the needs of psychiatrically disabled persons are recognized. This group of disabled persons has not been as vocal as others, nor has it developed a national consumer organization. Until these persons are able to organize effectively, care must be taken to include the psychiatrically disabled in any consultation. For example, when the Department of Employment and Immigration announced its Program for the Employment Disadvantaged, psychiatrically disabled persons were omitted. Intervention by the Canadian Mental Health Association clarified this, but this example amply demonstrates the need to consult with consumers of government services.

**Provincial Approaches:** The Government of Saskatchewan replied to the recommendation by stating that it has a Steering Committee to develop "mechanisms for involving the disabled in the design of programs intended to help them". The Government of Newfoundland had "encouraged the formation of the Consumer Organization of Disabled People of Newfoundland and Labrador and will continue its co-operation with this group.

**Policy:** The Committee reaffirms its position that the Federal Government should have a policy on consultation, and that such a policy should include definition, structure and process.

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## INSTITUTIONAL LIVING

### 102 DEVELOP STANDARDS OF CARE FOR LONG-TERM INSTITUTIONALIZATION

That the Federal Government through the Department of National Health and Welfare, in co-operation with the provinces, consumer groups, professional associations and voluntary organizations, develop guidelines for standards of care in long-term institutional settings.

**Many Concerns:** Throughout its hearings, the Committee heard many concerns about the quality of treatment that disabled persons receive in long-term institutional care, and in "homes for special care". It was obvious that, depending on the particular institution, a disabled person can receive care that ranges from excellent to horrible.

**Standards Needed:** The Department of National Health and Welfare has already established guidelines covering the following health services:

- . Child and adolescent psychiatric services in general hospitals
- . Adult psychiatric services in general hospitals
- . Burn units
- . Detoxification units
- . Geriatric day hospitals
- . Rehabilitation medicine units
- . Spinal cord injury units
- . Cardiovascular services

**Long-term:** The Department should now begin developing standards for long-term institutional care, with special emphasis on the following problems:

- . **Legal Access:** At the present time, some individuals have no access to legal assistance. In many cases, disabled persons are not directly informed of the legal services that can be made available to them.
- . **Privacy:** Some institutions provide individuals with almost no privacy, and few provisions are made to protect personal property.

- . **Activities:** In most homes for special care, there are no activities whatsoever to keep disabled persons occupied during daytime hours. This problem is compounded by the fact that many of these homes are in rural, isolated areas where there are few community services.
- . **Placement:** Serious problems are caused by the fact that young physically disabled persons are being placed in institutions which care for the chronically ill, the mentally retarded and the elderly.
- . **Refusal:** It is a fundamental principle of Canadian law that medical treatment can only be given with the informed consent of the individual who is to receive the treatment, if he is an adult person capable of giving consent. For children, or people who are considered legally incapable, the parent or legal representative can consent, within a framework of safeguards for the individual. At any time, a person or his representative may legally refuse to take some particular treatment. However, few disabled persons are aware of their rights within an institution. Institutions do not inform a person about his or her right to refuse a treatment.

#### 1982: COMMITTED

**Advisory Committee:** The Department of National Health and Welfare has a Federal-Provincial Advisory Committee on Institutional and Medical Services which can prepare the standards that are called for in this recommendation. Standards on rehabilitation and certain aspects of long-term care have been developed by this Committee and will be updated. A new working group will prepare guidelines and standards for long-term institutional care.

**Application:** Health and Welfare will also work with other groups involved in the development and application of standards. One such group is the Canadian Council on Hospital Accreditation. Special attention will be directed in this effort to the long-term needs of chronic psychiatric patients.

**Continue Efforts:** The Committee urges Health and Welfare to continue its efforts to establish the appropriate standards of care for long-term institutional settings.

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### 103 STUDY THE COST-EFFECTIVENESS OF DEINSTITUTIONALIZATION

That the Federal Government, in co-operation with the provinces, initiate in 1981, a study to be completed within one year to establish the cost effectiveness of deinstitutionalization and, to this end, determine:

- . The present cost of providing institutional care to disabled persons.
- . The number and percentage of disabled persons who are currently in institutions and who, with varying levels of community support services and adequate housing, could live in the community.

**Vital Information:** This recommendation goes hand-in-hand with two others--75 and 76--made regarding "independent living". Experience with deinstitutionalization programs in the United States indicates that significant savings can be achieved wherever disabled persons are able to leave the institution and live independently. This issue should be central to the government's long-term policies and programs for disabled persons. If it can be clearly established that deinstitutionalization is more beneficial and cost-effective, on a large-scale basis, then the Federal Government should give high priority to such a policy. Before this can be done, solid data is required to fully substantiate the economic advantages.

**1982: COMMITTED**

**\$300,000 Study:** The Department of National Health and Welfare is developing a research plan in response to this recommendation, and Cabinet has approved \$300,000 to finance it. The Department expects to use a consortium of agencies to undertake the practical work. The Canadian Council on Social Development may be the lead group, supplemented by other national agencies and consumer groups. The overall project will include provincial collaboration.

**Significant Number:** The Committee is convinced that a significant number of disabled persons who are in institutions could live independently in community settings, with the assistance of local support services. The Members are pleased that Health and Welfare has taken the initiative in developing a research proposal and it urges all interested agencies to proceed with the study.

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## CHANGING ATTITUDES

### 104 ENSURE THE PRESENCE OF DISABLED PERSONS AS CONSULTANTS OR PARTICIPANTS IN FEDERAL ADVERTISING

That the Federal Government direct the minister responsible for government communications to develop and implement an advertising policy which will ensure that disabled persons and their concerns are adequately included in federal advertising.

That an advisory committee of disabled persons and representatives of the advertising sector be established for this purpose.

**Very Few:** The Federal Government spent \$160 million in 1980 to advertise its policies and programs. Very few disabled persons are featured in this advertising. Very few of the ads and commercials are directed to the needs of disabled persons.

**Beautiful People:** The alcohol and tobacco companies are universally criticized for showing only healthy, happy "beautiful people" in their advertisements. Disabled people suffer heavily because of the fantasy images projected by public media. McCann-Erickson Advertising Agency of Toronto conducted consumer tests which indicate that non-disabled persons become upset with disability because the sight of a disabled person violates their sense of "beauty". It is safe to conclude that this sense of beauty has been strongly influenced by advertising images. The Federal Government should examine its own policies and practices to ensure that it is not contributing to an unreal depiction of a Canadian society in which 2.3 million individuals are physically and/or mentally disabled.

### 1982: IMPLEMENTED

**Representative Advertising:** The Federal Government has a policy on Federal Government advertising which states the following:

"... depiction of Canadians in all federal government advertising should be representative to the extent feasible as to sex, age, ancestry and ethnic origin and presence of handicap or disability, both rationally and on a regional basis where applicable and should portray members of these groups in all aspects of Canadian life as appropriate."

The various departments of government must follow this policy in designing and implementing their advertising programs. The Advertising Management Group within the government will now monitor these programs, and will consult with department information divisions, and will represent the actions of specific groups in the public.

**Stress Importance:** This recommendation received wide support from groups of disabled persons including the NWT Association for Children with Learning Disabilities, which stressed the importance of including "invisible" handicaps.

**Ongoing Activity:** Changing attitudes about disabled persons was identified as an important ongoing activity throughout the Committee's public hearings in 1980. During 1981, some private companies began to use disabled persons in advertising. The Committee saw this as a welcome sign of changing attitudes in the private sector, and it applauds the Federal Government advertising policy which includes reference to the inclusion of disabled persons.

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#### 105 INSTRUCT FEDERAL EMPLOYEES TO USE APPROPRIATE TERMS IN REFERRING TO DISABLED PERSONS

That the Federal Government request the Canadian Human Rights Commission, in consultation with disabled persons and their organizations, to develop and publish a guide on the use of appropriate terminology when

referring to disabled persons, and that the Federal Government direct department and agencies to systematically review the use of terms relating to disabled persons and to eliminate the use of terms with a negative or demeaning connotation.

**Patronizing:** Attitudes and language reinforce each other. Negative attitudes toward disabled persons and patronizing terminology go hand-in-hand. Both must be changed, but the language must come first because words are easier to change than ideas.

**Progress:** Over the past century, Canadians have changed significantly in their use of terminology which refers to disabled persons. Terms like "criminally insane", "incurable", "crippled", "deformed", "idiot", "imbecile", "moron", are not longer acceptable. More recently, the use of descriptions such as "old age" in reference to legislation (Old Age Act), have been found unacceptable. The enactment of the Canada Assistance Plan Act in 1966 was an attempt to move away from the categorization of persons to the description of a system which was based upon need--regardless of the cause for that need.

**Too Much:** There are still terms used which disabled persons find offensive. Use of such terms should cease. For example, "permanently unemployable", is considered demeaning by persons receiving social assistance payments. They feel that it's bad enough being out of work; it's even worse having to receive assistance from the government; this label is too much to take.

**Eliminate:** The Committee recommends that the Federal Government review all terminology used by its departments and agencies in reference to disabled persons, and to eliminate the use of negative terms.

**1982: COMMITTED**

**Support:** The Canadian Human Right Commission supports this recommendation. Although no request has been received from the Federal Government, the Commission has entered into a contract to develop a list of appropriate terminology. This project will include consultation with disabled persons and their associations, some of whom wrote to the Committee supporting this recommendation. The publication of the guide which results from the Commission's project is scheduled for later this year or early 1983.

**Pleased:** The Committee applauds the Canadian Human Rights Commission for undertaking this project and it is pleased that consultation with disabled consumers is part of the project.

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**106 PROMOTE POSITIVE IMAGE OF DISABLED PERSONS IN KEY AREAS OF SOCIETY**

That the Federal Government direct the appropriate departments and agencies to undertake promotional campaigns in areas such as employment, transportation, access and housing in order to stimulate awareness and encourage positive attitudes.

**Awareness:** Disabled persons can make progress only when two sets of attitudes are changed--their own toward themselves, and the attitudes of non-disabled Canadians. Improved services to the disabled community depend upon a general awareness among the public that disabled persons can function independently within society.

**Not Enough:** For the most part, public attitudes towards disabled persons have bordered on charity. This "charity" has ensured that disabled persons receive treatment and care, but it has also reinforced barriers which prevent disabled persons from being seen as equal citizens.



**The Key:** "Equal treatment" is the key to all positive public attitudes toward the disabled. Non-disabled Canadians must be shown that disabled persons can function in a full spectrum of everyday activities related to employment, transportation, access to buildings and facilities, and to housing. Visible minorities and women have faced the same kind of unequal treatment. But attitudes are changing as individuals are shown to the public in a wide variety of "normal" activities and situations. The same must now be done for disabled persons.

#### 1982: COMMITTED

**Advertising Campaigns:** Both the Department of National Health and Welfare and the Canada Employment and Immigration Commission have been involved in funding successful advertising campaigns co-ordinated by the Canadian Rehabilitation Council for the Disabled (CRCDD). During the past three years, CRCDD and Health and Welfare have conducted a public awareness campaign aimed at changing negative attitudes towards disabled persons. The theme of this campaign has been "Your attitude towards the disabled could be their biggest handicap". Total funding for this campaign from Health and Welfare reached \$1.2 million by the end of 1981. But the actual worth of the campaign, including contributory efforts of McCann-Erickson and various media, was \$3 million.

**Contribution:** In 1981, CRCDD received a special contribution of \$100,000 from Employment and Immigration to conduct an "Employability" campaign including five different ads on behalf of persons who are deaf or hearing-impaired, blind or visually-impaired, mentally handicapped, physically disabled or have mental health problems.

**Various Initiatives:** The Department of Transport told the Committee about its various initiatives including films and special inserts for employees. The Department of the Secretary of State has been encouraging federal departments to undertake promotional activities to reinforce a positive image of disabled persons in society.

**Highly Successful:** The Committee applauds CRCD, Health and Welfare, and Employment and Immigration for their highly successful ad campaign, a campaign which has been well received both in Canada and in other countries as an example of a way to change attitudes. The Committee encourages other departments to take steps to undertake similar campaigns.

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**107 PRODUCE STAMPS TO COMMEMORATE THE INTERNATIONAL YEAR OF DISABLED PERSONS**

That the Federal Government direct the Department of the Post Office to produce a stamp or stamps to commemorate 1981 the International Year of Disabled Persons.

**Why Not?:** A stamp is a small message, but a very big symbol. The Federal Government has marked other International Years with stamps, why not this one? It has produced stamps on a variety of subjects including sports, flowers, and birds. A stamp was produced to mark the 1980 World Congress of Rehabilitation in Winnipeg. The Committee recommends that the Federal Government direct the Department of Post Office to move quickly to produce a stamp to mark the International Year of Disabled Persons, to be available during 1981.

**1982: NOT IMPLEMENTED**

**Preserve Variety:** The Post Office issued a rehabilitation stamp in 1980 on the occasion of the World Congress of Rehabilitation International in Winnipeg. The Post Office responded to this recommendation by stating "to preserve variety in our program, we would not want to issue another stamp on a similar topic in 1981". The Committee regrets that the Post Office rejected the Committee's proposal, since over 75 other countries issued such stamps during the International Year of Disabled Persons. The

Committee feels that the Post Office's refusal is particularly regrettable because Canada seconded the motion at the United Nations which designated 1981 as the International Year of Disabled Persons.

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## P R E V E N T I O N

### 108 DEVELOP NATIONAL POLICY ON PREVENTION OF DISABILITIES

That the Federal Government request the Department of National Health and Welfare to develop, in conjunction with the provinces and appropriate organizations, a national policy on the prevention of disability based on the directions set out in "A New Perspective on the Health of Canadians" and that such a policy would include strategies for action in the following areas:

- . Reduction of the incidence of birth-related disabilities through promotion of high standards of prenatal, perinatal and postnatal care.
- . Reduction of the incidence of, or, where possible, the eradication of communicable diseases.
- . Promotion of safe and healthy work environments.
- . Promotion of lifestyles that enhance physical and mental well-being with particular emphasis on stress management, on the effects of drinking, on safe driving, and on the safety aspects of sport and recreational activities.

**Too Late:** At the moment, the health care system in Canada can do little more for accident victims than take care of them after the damage is done. Real progress against the conditions which produce disabilities will come only when Canadians themselves, on a national basis, take primary responsibility for protecting and promoting their own health and that of their offsprings.

**Uncoordinated:** A wide range of programs and activities to prevent physical and mental disability are being conducted throughout Canada by government and private organizations. Unfortunately, there is no national,



co-ordinated effort in this field. There is little sense of commitment to a national prevention policy.

**Outline:** The information needed to take action is already in place. In April 1974, the Department of National Health and Welfare produced a report entitled "A New Perspective on the Health of Canadians: A Working Document". This is an outline for the kind of awareness Canadians must develop in order to prevent disease and injury in their daily lives. The outline must now be expanded and translated into an active national program.

#### 1982: UNDER CONSIDERATION

**Health Promotion:** The Department of National Health and Welfare has received Cabinet approval to increase substantially the priority it gives to health promotion. An additional \$4.8 million has been received. The Department is now clarifying what further resources are to be provided. There is strong emphasis in health promotion on nutrition, and on counteracting alcohol abuse and smoking among the public. There will also be increased emphasis on child health, and a new provision to deal with safety in various areas of public and private life.

**Focusing:** In her written response to the Committee, the Minister of National Health and Welfare replied: "There is a specific provision for focusing on the needs of handicapped persons. A major element of this will be the development of a long-term policy for the prevention of disabilities". However, at a subsequent meeting with the Committee, this comment by the Minister about "long-term policy for the prevention of disabilities" was not mentioned.

**Questions:** The Committee questions whether Health and Welfare has really established a policy on prevention of disability and would like concrete evidence to show how this policy is being communicated. The main thrust seems to be on health promotion in general rather than on prevention of disability.

## RESEARCH AND DEVELOPMENT

### 109 GIVE HIGHER PRIORITY TO RESEARCH AND DEVELOPMENT WHICH BENEFITS DISABLED PERSONS

That the Federal Government direct the relevant departments and agencies to give a higher priority to research and development in areas of particular interest to disabled persons and the prevention of disability.

That it direct the National Research Council to establish an Interdepartmental Disability Co-ordinating Committee which would set priorities and co-ordinate activities in this area of research and development. This Committee should ensure that ongoing research in other areas take into account the needs of disabled persons, and

That the Federal Government direct the Department of Transport to give a higher priority to the development of:

- . An accessible interprovincial bus.
- . Lifting devices for railway passengers.
- . A curb-climbing motorized wheelchair.
- . Narrow wheelchair to be used on planes or buses.
- . Spill-free wet cell battery.

**Neglect:** In 1980, the Federal Government spent almost \$2 billion on research and development, yet less than 1% of this was spent on projects of benefit to disabled persons. At the same time, the problems associated with disability are costing Canadian taxpayers several hundred million dollars annually. The Members of the Committee believe that the budget for research and development in this area should be increased significantly. Highest priority should be given to technological innovations which increase the possibility of independent living, and new forms of treatment which decrease the incidence of mental disability.

**Huge Problem:** The volume of hospitalization for mental illness is larger than that of any other health problem in Canada. In 1976, the total number of patient days for mental illness was almost 24 million compared with approximately 38 million patient days for all other health problems combined. These figures alone justify large expenditures for research into mental illness.

**Co-ordinate:** An interdepartmental co-ordinating committee, chaired by the Deputy Head, or a senior official, from the National Research Council, should focus interest on this neglected area of research. This new committee would also bring together representatives from those departments and agencies which are involved in research and development, along with representatives from provinces, universities, and the private sector.

#### 1982: UNDER CONSIDERATION

**Significant Increase:** The Minister of National Health and Welfare reported to the Committee that there has been a significant increase in consultation on research and development during 1981. Workshops on research priorities brought together members of the research community. The result has been the initial plan for a National Research Council Associate Committee which will set priorities for research which will benefit disabled persons, and which will co-ordinate subsequent R & D activities.

**Bridging Funding:** The Department of Supply and Services replied that it will assist program departments in their R & D activities from its Unsolicited Proposal Funding resources. This would provide "bridging funding" in those cases where research would be postponed because funds were not available.

**Other Efforts:** The Department of Transport reported the development of an accessible intercity bus at Prevost Co. in St. Clair, Quebec; that lifting devices are being tested by VIA Rail; that a curb-climbing chair is

developed, but no Canadian manufacturer has yet been found. Lockheed Corporation has designed a narrow wheelchair. The Transport Development Centre is studying a new wet cell battery.

**Strong Interest:** The Committee is pleased by the activity that has taken place. This indicates a strong interest in research and development, but the Committee reiterates its position that, in addition to laudable individual efforts, the Federal Government establish overall R & D priorities in this area and that a co-ordinated approach be implemented as quickly as possible.

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#### 110 **STRENGTHEN ACADEMIC DEPARTMENTS TO PROMOTE THE DEVELOPMENT OF REHABILITATION PERSONNEL**

That the Federal Government establish research chairs and fellowships at universities and appropriate rehabilitation institutes or centres to stimulate research in the field of rehabilitation.

**Overlooked:** Research in rehabilitation has been largely overlooked by Canadian universities. A few projects have been funded by the Federal Government, but these have been limited mainly to bio-medical engineering or computer technology. Even the funding of a few academic chairs or fellowships would substantially improve this bleak situation.

**The Needs:** Research needs have been identified in the areas such as mental health, physical medicine, and prosthesis (artificial limbs). Some of this research could best be carried out in clinical or treatment centres. Unfortunately, few centres or universities have the resources to carry out this kind of applied research. The Committee believes that the Federal Government should provide funding to stimulate greater interest in this subject.



**1982: NOT IMPLEMENTED**

**No Immediate Action:** The Department of National Health and Welfare reports a significant increase in consultation on rehabilitation research and development in 1981. However, the Department has told the Committee that present policies and level of resources do not permit immediate action on the establishment of research chairs.

**Next Year:** The Committee regrets that the Department is not able to undertake this initiative at this time and hopes that funds will be available next year.

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**111 ESTABLISH TREATMENT AND RESEARCH CENTRES FOR CERTAIN DISABILITIES**

That the Federal Government fund, or assist in funding, in co-operation with interested provinces and voluntary organizations, specialized treatment and research centres which would concentrate on certain disability groups such as the deaf-blind, deaf persons who are mentally ill, autistic persons, and those with cancer of the larynx.

**Ignored:** Certain disabilities are so uncommon that they are virtually ignored by Canada's health care systems. Persons who are both deaf and mentally ill are shut out from any kind of rehabilitation. Individuals with cancer of the larynx have very limited services available to them. There are also many common disabilities which require skilled treatment which is unavailable in many localities. These include spinal cord injury, stroke, amputations, chronic pain, and head injury.

**Leadership Required:** Lack of manpower hampers the provision of existing services, let alone necessary expansion of services. Expanded instruction

is required in rehabilitation nursing. There is a serious shortage of occupational therapists. A significant shortage of prosthetists is approaching. The existing instruction of physicians in the potential for rehabilitation and in the prevention of disability is totally inadequate. Government support is required if significant progress is to take place in these areas.

**1982: NOT IMPLEMENTED**

**Same Problem:** The Department of National Health and Welfare responded to the Committee with the same answer as in Recommendation 110. The Committee responds with the same regret, and with the same hope that action can be taken next year.

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**112 ENSURE THAT CANADA HAS SUFFICIENT MEDICAL REHABILITATION PERSONNEL**

That the Federal Government pursue its study of the health workforce requirements in the area of medical rehabilitation and take steps, in co-operation with the provinces, to correct any shortcomings.

**Shortages:** A number of briefs presented to the Committee lamented the staff shortages among physiatrists and other medical rehabilitation professionals. This is an especially serious problem in areas of the North, and among certain minority groups. In addition to physical rehabilitation personnel, there is also a severe shortage of personnel who can provide counselling services in the area of mental health care. The Federal Government should pursue its current survey of the workforce in Canada's health professions to ascertain the exact nature of these shortages. It should then take steps to correct the situation.

**1982: NOT IMPLEMENTED**

**New Congress:** The Department of National Health and Welfare reports that consultations have provided directions for plans for co-operation between the Department and the Canadian Rehabilitation Council for the Disabled (CRCD) on the formation of a Canadian Congress of Rehabilitation.

**Misses Mark:** This reponse does not really deal with a manpower study, as recommended, nor does it make reference to the current survey of the health profession. The Committee questions the adequacy of the Deparment's response, and urges the officials responsible to specify exactly what steps they are taking to rectify the shortage of personnel in Canada.

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## DATA BASE DEVELOPMENT

### 113 DIRECT STATISTICS CANADA TO DEVELOP DATA BASE ON DISABLED CANADIANS

That the Federal Government direct Statistics Canada to give a high priority to the development and implementation of long-term strategy which will generate comprehensive data on disabled persons in Canada, using population-based surveys and program data.

That, as part of this long-term plan, the following steps be initiated:

- . A national conference be convened in 1981, if possible, to review the data needs in this area and to identify appropriate measures for inclusion in a long-term plan;
- . A commitment to include in the 1986 Census, questions on disability, and a suitable follow-up questionnaire to generate data on disabled persons in Canada;
- . Inclusion of appropriate questions in the Canadian Labour Force Survey, the Consumer Finance Survey and other major population-based surveys, to provide additional data on the socio-economic conditions of disabled persons in Canada.

**Not Important?:** Over two million Canadians are physically or mentally disabled; one-tenth of the national population. Yet, very little is known about their social and economic situation. The cost and care of these disabled persons run into the billions of dollars, yet Statistics Canada does not consider the disabled population important enough to warrant a special category in the 1981 Census questionnaire. The Committee heard complaints throughout its hearings that programs and projects were being delayed and cancelled because of the lack of hard data about disabled persons. This situation is especially serious in the area of mental



health. Statistics Canada has a mental health division which collects data on the number of patients in mental health facilities. But this does not provide much useful information since the emphasis within the field is on the treatment of outpatients.

**Unacceptable:** This lack of information is totally unacceptable. The Committee has been told by Statistics Canada that it is now too late to include "disability" as a question in this year's census. This means that thousands of private and government programs on behalf of disabled persons must operate for the next five years on limited data. The Committee laments this situation. The only thing that can be done until then is to ensure that Statistics Canada makes provisions to conduct special supplementary surveys which will provide data in the interim.

#### 1982: COMMITTED

**Full Agreement:** The Minister of Supply and Services, appearing before the Committee after the publication of OBSTACLES, stated "I am in full agreement with this recommendation."

**Long-Term Plan:** In order to determine specific data needs and identify components for a long-term plan of action, Statistics Canada undertook a survey of over 300 federal and provincial departments, agencies and Crown corporations, including associations of and for disabled persons. The replies are now being analyzed in terms of user requirements.

**Prime Objective:** The rapid development of data is a prime objective of Statistics Canada. Therefore, supplementary questions will be added to the monthly Labour Force Survey, generating preliminary information by 1983. More detailed information with national and regional implications should be available in 1984.

**1986 Census:** Statistics Canada plans to include questions in the 1986 Census which will identify individuals for a subsequent follow-up survey.

Pending the appropriation of funds, this should generate more comprehensive and detailed information throughout the second half of this decade.

**Important Issue:** The Committee notes the strong support for this recommendation given by the associations of and for disabled persons. The Committee also applauds the Minister of Supply and Services for his quick response to the recommendation. Although the response does not follow all of the items outlined in the recommendation, the Committee is convinced that the important issue of securing data on disabled persons is being addressed.

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## NATIVE POPULATION

### 114 ESTABLISH NATIONAL ADVISORY BODY ON COMMUNITY SERVICES FOR DISABLED INDIAN PERSONS

That the Federal Government direct the Department of Indian Affairs and Northern Development to provide financial and technical assistance for the establishment of a national advisory body on community services affecting disabled Indian people, similar in concept and format to the National Commission Inquiry on Indian Health.

**Past Failure:** Too often the Federal Government has created policies and programs affecting the lives of Indians without consulting first with the representatives of these people. This has resulted in ineffective programs, lowered morale among Indian communities, and strained relations between Indians and the Federal Government. It is crucial, therefore, that all matters related to services for disabled Indians be subject to prior consultation, within a formal advisory mechanism.

**Success:** Consultation works when it is formalized. In 1978, the National Commission Inquiry on Indian Health was established. This body now serves as a forum through which 17 provincial and territorial Indian organizations express their views on health policies and programs of the Federal Government. A similar advisory body should now be established to deal with services provided to disabled Indians.

### 1982: UNDER CONSIDERATION

**Know More:** The Minister of Indian Affairs and Northern Development expressed support for the recommendation, but would like to "know more about the costs and the necessity for such a group". The first priority of DIAND is the provision of basic housing, adequate school facilities, basic sewage and sanitation services. Then, if additional resources are available, it would look at the funding of an advisory body.

**Most Feasible:** The National Indian Brotherhood (NIB) (now the Assembly of First Nations) feels that the Commission "is probably the most feasible mechanism available to act as a national advisory body on community services for disabled persons". The Inuit Tapirisat supports this recommendation and feels that such a Commission should involve members of the Inuit community.

**Limited Action:** There has been limited action by DIAND to implement this recommendation. A letter from the Minister states that officers in the Indian/Inuit Program are exploring the possibilities with the National Indian Brotherhood of a social services committee being incorporated in the existing NIB mechanism. Furthermore, the Minister stated that he "would be open to consider assisting the Health Council of the First Nations by assigning some of our program experts ..."

**Recognition:** The Committee feels that DIAND has shown that it recognizes the problem, and now the time has come for action. Therefore, the Committee urges the Department to work quickly to obtain cost estimates and to implement.

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#### 115 EXPAND THE ROLE OF FRIENDSHIP CENTRES FOR DISABLED NATIVE PEOPLE

That the Federal Government expand the role of Friendship Centres to include an urban-based referral program providing liaison and assistance to migrant Natives who are disabled.

**On the Move:** Unemployment among Native people runs between 35% and 75% of the Native work force, depending on the locale and the time of year. Many Native people, therefore, are forced to move frequently, or continually,

from one urban centre to another looking for work. Among these transient or migrating people are disabled persons who require treatment and assistance in order to be able to function at all.

**Barriers:** A number of barriers prevent disabled Natives from receiving the help they need. Language barriers prevent information on available services from reaching the disabled person. Cultural barriers prevent disabled persons from accepting "outside help" from non-Native people. Distance barriers prevent access to the limited number of centres where these services are provided.

**"Friendship Centres":** Native people trust and make use of information which comes from their own people. Information about government services to disabled people, therefore, must be channeled through organizations which Native people operate for themselves. Such organizations already exist in the form of "Friendship Centres" in several Canadian towns and cities. A Friendship Centre is a facility, governed by Native people in an urban centre, which provides vital information to other Native persons who are newly arrived or passing through. These Centres should be expanded in number and in the scope of information they provide. A leading participant in this endeavour should be the Native Council of Canada. Their recently completed health project, mandate and operational experiences are grounds upon which this recommendation can be developed.

#### 1982: NOT IMPLEMENTED

**Design Program:** The Department of the Secretary of State has designated an official to design a research program which will identify the needs of disabled Native people, where they live, and the most effective ways to utilize Friendship Centres.

**Established:** The National Indian Brotherhood (NIB) (Assembly of First Nations) is supportive of this recommendation because it sees these centres as the only established Indian operated and controlled referral facilities. The NIB also asked that the Secretary of State make funds



available to improve the accessibility of the centres. The Inuit Tapirisat "agrees that friendship centres could play an important role", particularly for disabled Inuit travelling south for treatment.

**Additional Responsibilities:** The National Association of Friendship Centres said "We are willing to accept additional responsibilities" but we need additional funding. It suggested that pilot projects could determine which centres are the most likely to deal with disabled Indians.

**Convinced:** During its hearings for the Follow-Up Report: Native Population, the Committee had an opportunity to visit a friendship centre in Regina. The Members are more firmly convinced that friendship centres could provide a needed service to disabled persons.

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#### 116 CONSIDER TRANSFER OF HEALTH SERVICES TO DEPARTMENT OF INDIAN AFFAIRS

That the Federal Government determine the feasibility of transferring Indian Health Services from the Department of National Health and Welfare to the Department of Indian Affairs and Northern Development, and determine the direct and indirect advantages of such a transfer to the Indian and Inuit people who are disabled.

**Confused:** Indian and Inuit people do not understand or appreciate the concept of different government departments. Their own communities are small and unified, and the notion of huge, separate bureaucracies is foreign to their traditions and daily experience. They become confused by a situation in which it takes several major organizations to provide several minor services. They become discouraged when poor co-ordination among these organizations means that promised services are not delivered, or are delivered badly.

**Familiar:** The Department of Indian Affairs and Northern Development has a special relationship to Indian and Inuit people. It provides a broad spectrum of programs directly affecting the health and lifestyles of disabled Indian and Inuit people. Indian leaders are unanimous in calling for Indian Health Services to be returned to the Department of Indian Affairs and Northern Development. They believe that nothing short of this transfer will effectively improve community services to disabled Indians.

**1982: NOT IMPLEMENTED**

**Not Important:** The Minister of Indian Affairs and Northern Development did not feel that the study was a priority item among Native people. If deemed important by them, however, he is prepared to consider the matter. He stated: "If this Committee recommends that the Federal Government allocate resources necessary to study this adequately, if that is what you are saying, of course I think we would have to take it seriously ... it has not been a high priority in my personal experience, but that does not mean we should not necessarily conduct a study".

**Transfer:** The Department of National Health and Welfare feels that the introduction of the new Indian Health Policy in September 1979 which resulted in the transfer of health services to Indian communities has responded to the thrust of the recommendation. There has been no comment from Health and Welfare about studying the possible transfer.

**Cautious:** The National Indian Brotherhood (NIB) offers cautious support for the recommendation, stressing that it is in support of a "feasibility" study. However, NIB, in general, supports the "one agency" concept.

**Willingness to Look:** The recommendation has not been implemented, but the Department of Indian Affairs and Northern Development (DIAND) has expressed a willingness to look at the issue. However, in a recent letter from the Minister, he now says that "NHW (National Health and Welfare), as a medical service agency, can best administer health services to the Indian people and the Inuit." He feels that the transfer of responsibility "would only

serve to delay the delivery and improvement of services". Then, in a subsequent letter, he expressed a willingness to explore with NIB the feasibility of such a study.

**Misunderstanding:** It appears that there has been some misunderstanding about this recommendation, namely, that the Committee has suggested that such a transfer is desirable. The Committee has not drawn such a conclusion. Rather, the Committee feels that there are sufficient grounds to warrant a feasibility study, and urges action on such a study.

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#### 117 ESTABLISH DATA ON PROBLEMS OF DISABLED INDIAN AND INUIT PEOPLES

That the Federal Government direct the Department of Indian Affairs and Northern Development to undertake community-based surveys to supplement program data presently available regarding the extent and nature of problems facing disabled Indian and Inuit peoples.

**Ignorance:** Little is known about the unique needs of disabled Indian and Inuit peoples in Canada. National figures on frequency and types of disabling conditions among Indian/Inuit populations are lacking.

**Big Problems:** Everyday experience, however, indicates that disability is a much bigger problem among these people than among other Canadians. New services and assistance are badly needed, but without proper data, it is difficult to deliver help in an effective manner. At the same time, special care must be taken in the way that information is gathered. Indians and Inuit are naturally reluctant to answer questions about themselves unless they can be sure that the resulting information will be used for their benefit.

**Existing Routes:** Data collection must involve researchers who are Indian and Inuit themselves. At the present time, two Departments--National Health and Welfare and Indian Affairs and Northern Development--have some data on hand. Although this information is incomplete, with the help of Indian and Inuit organizations, it can be used as a starting point for a comprehensive data bank.

#### 1982: COMMITTED

**Urgency:** The Minister of Indian Affairs and Northern Development agreed on the "urgency of the need for community-based surveys to determine the degree and scope of the problems facing disabled Indians and Inuit people." The Department, in co-operation with Statistics Canada, National Health and Welfare, and Canada Employment and Immigration Commission (CEIC) and the territorial governments, is undertaking such a survey through its regional offices.

There is already a national data base on Native peoples; the Minister has asked his officials to examine the possibility of using this mechanism to provide specific information on the disabled Native population. The Canadian Paraplegic Association has been given a grant to study the numbers and problems of physically disabled Native Canadians.

**Consultation Essential:** A key part of this recommendation dealt with the involvement of Indian and Inuit themselves. That is what the Committee intended by the term "community-based surveys". The Committee is concerned that in the haste to obtain data, the Federal Government has neglected to consult with the Native groups about how to collect the data. It is not too late to begin doing so and, therefore, the Committee urges the federal departments to include Indian people and Inuit in their discussions and in the data collection.

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## 118 EXPAND HEALTH PROFESSION OPPORTUNITIES FOR NATIVE PERSONS

That the Federal Government direct the Department of Indian Affairs and Northern Development, and the Department of National Health and Welfare to expand Native career development plans in order to attract Native people to the health professions and, in particular, to the fields of health education and promotion.

**Conditions:** The life expectancy for Indians is less than that of non-Indian Canadians. Indian babies die at twice the national rate. Those who survive the ravages of pneumonia, bronchitis and parasitic diseases frequently suffer from malnutrition, unhealthy living conditions and family breakdown. Sickness and despair result from living in overcrowded housing, with no running water, no sewage or regular garbage disposal, and totally inadequate heating systems.

**Prevention:** The easiest disability to care for is one which does not occur in the first place. Many disabilities among Native populations could be prevented as a result of widespread health education. This education can only occur in an environment which incorporates the language, customs and lifestyles of Indian, Métis, and Inuit people. The instructors must be Native themselves.

**Breakthrough:** The biggest breakthrough in providing health services to Native people will come when significant number of Native people become professional health workers. This is the only route by which the most serious problems of disease and sickness can be solved.

### 1982: UNDER CONSIDERATION

**Lead Role:** The Department of National Health and Welfare, the Department of Indian Affairs and Northern Development (DIAND), the Canada Employment and Immigration Commission (CEIC), and the Department of the Secretary of State are consulting on this matter. The Minister of Indian Affairs



supports the efforts of National Health and Welfare in taking the lead role in expanding opportunities for employment of Native persons in health professions. The Department will co-operate with others involved in this initiative. The Minister has also asked his officials to consult and co-operate with CEIC in the design of relevant programs to enable Native persons to avail themselves of careers in the health professions.

**Acutely Aware:** The National Indian Brotherhood (NIB) (Assembly of First Nations) fully supports the recommendation because they are "acutely aware of the lack of health professionals in the Indian community." NIB felt there was no consultation in Native health career development programs. The Brotherhood also felt that it received little support from the Medical Health Services for Indian proposals for paraprofessionals.

**Biggest Breakthrough:** The Inuit Tapirisat supports the view that "the biggest breakthrough in providing health services to Inuit will come when significant numbers of Inuit become professional health workers."

**Lack of Action:** While various government departments have agreed in principle to the recommendation, there is a lack of concrete action to demonstrate any government commitment. The Committee asks for evidence on this score, and urges that DIAND and National Health and Welfare to begin work quickly to implement this recommendation.

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#### 119 EDUCATE PUBLIC SERVANTS ON NEEDS OF DISABLED NATIVE PEOPLE

That the Federal Government, in co-operation with Native organizations, give a higher priority to the provision of orientation programs for public servants involved in the delivery of services affecting disabled Native persons.

**Down the Drain:** A government service is counterproductive if it is not accepted by the people for whom it is intended. Many well-intentioned Federal Government programs for Native persons have gone down the drain because they did not relate to the culture and history of these people.

**Knowledge Essential:** Good intentions and technical expertise are not enough for dealing effectively with Native people on a personal basis. An understanding of the history, values and perceptions of Native groups is needed by all public servants who work with them. Unfortunately, orientation programs are often treated as a luxury rather than as an integral part of staff training. The Committee recommends that "cultural orientation" become an essential element of management career development in all government organizations which provide services to Native people.

#### 1982: UNDER CONSIDERATION

**Necessary Data:** The Department of National Health and Welfare, the Department of Indian Affairs and Northern Development, Canada Employment and Immigration Commission, and the Department of the Secretary of State are consulting on this matter. The Minister of Indian Affairs supports the recommendation and states that once data on Indian disabilities is available, cross-cultural training can be modified.

**Orientation Packages:** The National Indian Brotherhood (Assembly of First Nations) told the Committee that Indian culture centres are willing to develop orientation packages on the varying Indian cultures within a region. These suggestions have not been acted upon by the government. However, cultural centres serve only 60% of the Native population.

The Inuit Tapirisat fully supports the recommendation since "of all of Canada's aboriginal peoples, the Inuit are the least understood".

**Concrete Action:** Although there appears to be agreement in principle, the Committee is disappointed that no action has been undertaken by the government. There is a need for concrete action to demonstrate the

government's commitment. The Committee urges the government to undertake action, noting the possibility of giving a special role to the cultural centres to do this task.

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**120 ESTABLISH SPECIAL LIAISON AND RESEARCH OFFICE DEALING WITH NEEDS OF DISABLED NATIVE PEOPLE**

That the Federal Government instruct the Department of the Secretary of State through its Native Program to facilitate research and liaison through a special office relating to the needs of disabled Native people.

**Little Feedback:** Many government departments and private agencies administer programs which affect the lives of disabled Native people. Few of these programs are based on accurate feedback from the communities they serve. There is no organization which ensures that the positions and needs of Native people are considered. It is not surprising that these programs often miss the mark.

**Keep in Touch:** The Committee recommends that a federal office be established which keeps government and private service organizations in touch with the status and needs of Native disabled persons.

**1982: NOT IMPLEMENTED**

**Practical Move:** There has been no comment on this recommendation from the Department of the Secretary of State. The National Indian Brotherhood (Assembly of First Nations) supports this recommendation by saying that a move to Secretary of State would be a "practical move". The Brotherhood feels that the establishment of such an office within the Department of the Secretary of State, working in close conjunction with other departments and Indian and Native groups, may be what is needed to ensure that these recommendations are not forgotten.

**Gaps:** The Inuit Tapirisat is pleased that the Special Committee recognizes that there are gaps, and it would participate if the core-funding problem is solved.

**Consult:** The Minister of State for Social Development wrote to the Committee saying that he wanted to consult with colleagues about the need for a study of federal services to disabled Native persons.

**Northern Trip:** Following its trip to the North and to Indian communities, the Committee is even more convinced that the Federal Government must do more for disabled Native people and urges action.

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#### 121 APPOINT NATIVE REPRESENTATIVE TO INTERNATIONAL YEAR COMMITTEE

That the Federal Government appoint a representative of Native peoples to the Canadian Organizing Committee for the International Year of Disabled Persons.

**Special Concern:** Among all Canadians, the problems of disability are worst among Native peoples. Any Canadian participation in the International Year of Disabled Persons must consciously reflect this fact. The Committee recommends that a representative of Native peoples be appointed immediately to the Canadian Organizing Committee for the International Year.

#### 1982: IMPLEMENTED

**Appointed, But:** Mr. Charles Crow was appointed to serve on the Canadian Organizing Committee, but two Native organizations pointed out that the appointment was made without consultation. The Committee is pleased that the Minister of National Health and Welfare responded quickly, but is disappointed about the lack of consultation.

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## 122 INCREASE FINANCIAL SUPPORT FOR NATIONAL NATIVE ALCOHOL ABUSE PROGRAM

That the Federal Government direct the Department of Indian Affairs and Northern Development, and the Department of National Health and Welfare, to substantially increase their financial support for the National Native Alcohol Abuse Program and to ensure that the evaluation mechanism for the program involves members of those communities for which the program is intended.

**Terrible Problem:** Native leaders agree that their most critical community problems result from alcohol abuse. Fully one-third of all deaths among status Indians and Inuit are alcohol-related, while over 60% of the Indian "children in care" arrive in that situation as a direct result of alcohol abuse. Total costs attributable to Indian and Inuit alcohol abuse approach \$150 million per year. The social costs are inestimable. This is the harsh reality which so many non-Native people cannot appreciate, and from which the disabled Native person cannot escape.

**Deeper Causes:** Alcohol abuse is only symptomatic of deeper problems in the Native community. The impact of modern Canadian society on the Canadian Native has been devastating. People have become dislocated from family and friends. Juvenile crime, child neglect, social tension and communicable diseases have become major social problems. Unfortunately, many Native people turn to alcohol as an escape from a grim future. Alcohol is a major and increasing cause of handicap and disability among Native people, especially among children who are born with fetal alcohol syndrome.

**Hope:** In 1975, the National Native Alcohol Abuse Program (NNAAP) was established to arrest and reverse the debilitating effects of alcohol abuse within Native communities. It responds to community initiatives with financial support for projects covering prevention, treatment and rehabilitative activities. Each project is developed in concert with members of the community being served.



**Speed-Up:** The results of this unique funding program have been encouraging. However, only 50% of the Indian on-reserve population, and a few Inuit and Métis communities, have been reached by NNAAP. There is a great need to speed up the program on a long-term basis, and to encourage provincial initiatives in the same field.

#### 1982: IMPLEMENTED

**\$154 million:** On April 5, 1982, the Minister of National Health and Welfare announced that the Federal Government would spend \$154 million over five years to combat alcohol and drug abuse. The expanded program will cost \$21 million in 1982-83.

**So Positively:** The Committee applauds the Minister for responding so positively to the recommendation and for securing the necessary funding to expand the program. The Committee considers the implementation of this recommendation to be a major achievement.

**Note:** See Recommendation 7 in the Follow-Up Report section for more information.

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#### 123 ENSURE ACCESS TO REHABILITATION SERVICES FOR STATUS INDIANS

That the Federal Government direct the Department of Indian Affairs and Northern Development, and the Department of National Health and Welfare, in consultation with the provinces and status Indians and their associations, to develop a suitable mechanism to ensure that disabled status Indians have access to a full range of rehabilitation services.

**Federal Responsibility:** Under the British North American Act, the Federal Government has direct responsibility for the affairs of status Indians. In

the matter of rehabilitation and vocational services for status Indians who are disabled, however, Ottawa has relied until now upon the provinces to provide the necessary services. There have been considerable disagreements and legal debates regarding the jurisdiction of the Federal and Provincial Governments, and in the payment for the services. As a result, the status Indians have not received the services that they need. Two problems must, therefore, be solved. First, the status Indians must be assured of rehabilitation and vocational services, regardless of the legal responsibility. Secondly, the ultimate responsibility and administration of these services should be decided by consulting all parties, especially Indian people.

#### 1982: UNDER CONSIDERATION

**Tripartate:** This matter will be part of a tripartate discussion with the provinces and Indian associations on the broader issue of services for Indians. The National Indian Brotherhood wants the Federal Government to transfer to Indian control the Indian portion of the funding that would normally go to the provinces.

**Equal Access:** The Inuit Tapirisat seeks federal commitment that disabled Inuit will have equal access to needed services and facilities, the same as those now provided to non-Natives. The Minister of Indian Affairs and Northern Development supports the Inuit position, on the understanding that "access" to a full range of services include those available both on-and-off reserve. The Minister wrote to the Committee: "The whole issue of accessibility to provincial social services, in general, is a matter that impacts on the needs of disabled Indian and Inuit people. I am, therefore, supporting my regional officials in their initiatives in negotiating with provincial authorities on the issue of extending provincial social and rehabilitative services generally."

**Particularly Aware:** The Committee was made particularly aware of the problem of access to rehabilitation services through the testimony of Lionel Stonechild whose profile appeared in the Follow-Up Report. Lionel,

who suffers from a kidney problem, must now undergo dialysis three times a week. Such services are not available on the reserve, but by moving off the reserve to be close to the hospital and dialysis, it is difficult to obtain governmental assistance.

**Concrete Steps:** The problem of access to rehabilitation services has been identified. Now is the time for action. The Committee would like to see concrete steps to demonstrate the government's commitment to improving access to that service.

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## INTERNATIONAL PERSPECTIVE

### 124 REINFORCE FEDERAL ROLE IN INTERNATIONAL YEAR OF DISABLED PERSONS

That the Federal Government continue to play a lead role in the International Year of Disabled Persons (IYDP) activities at the United Nations, and with UN Agencies, and, in particular, in the development of a long-term plan of action as a follow-up to the International Year.

**Important Role:** Canada has already made a notable contribution to planning for the International Year. In June 1980, it hosted the World Congress of Rehabilitation International in Winnipeg. Canadian representatives have served this past year on the UN Advisory Committee of IYDP and in other international activities related to the International Year.

**Long-Term:** The UN Advisory Committee will table a comprehensive report on the world-wide status of disabled persons sometime in 1981. This will lead to the adoption of a long-term action plan by the UN General Assembly in 1982. The Federal Government should reinforce the lead role it has been playing, to ensure that Canadian experience and expertise is involved in the development and implementation of any long-term plan designed to prevent disability, or to improve the conditions of disabled persons in developing countries.

### 1982: COMMITTED

**Consistently Encouraged:** Within the UN General Assembly and in other UN Specialized Agencies, Canada has consistently encouraged the integration of the disabled in society, through programs and through consultation with organizations of disabled persons, and through the increased employment of the disabled. Canada, as a member of the UN Advisory Committee for IYDP, continues to work actively in the development of the UN long-term plan of action to pursue the IYDP objective of "Full Participation".

The Committee is pleased with the lead role that Canada has played.

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## 125 INSTRUCT CIDA TO DEVOTE MORE FUNDS TO PREVENT DISABILITY

That the Federal Government instruct the Canadian International Development Agency (CIDA) to allocate a greater proportion of its current budget in developing countries for the following purposes:

- . Projects for improvement of the water supply as a measure to reduce the incidence of disabling conditions as Canada's participation in the 1981-1990 International Water Supply and Sanitation Decade;
- . Programs for immunization and other means of preventing disabling conditions;
- . Community services for disabled persons which foster integration into the community;
- . Establishment of prosthetic and orthotic services in countries lacking such services;
- . Support for the organization and activities of consumer groups at the local, regional, national, and international level.
- . Establishment of an interchange of professionals in the field of rehabilitation.

That the Federal Government instruct CIDA to adopt a policy requiring the application of minimum Canadian standards for accessibility to buildings or facilities funded by that body, where feasible.



**Four per cent:** The Canadian International Development Agency (CIDA) provides more than \$1 billion annually to assist developing countries. Less than \$50 million, or less than 4 per cent, of this annual budget is devoted to solving health problems in these countries. Yet statistics show that the greatest drain on the resources and manpower energies of developing nations come from the ravages of disease. The main cause of these diseases, and of disabilities, is unclean water. CIDA should reexamine its priorities, and devote a much larger percentage of its aid to clean water programs, so that the conditions of disability can be contained and gradually eliminated.

**Commitment:** Overall, CIDA must show a clearer commitment to the needs of disabled persons. This can be done through a variety of prevention or rehabilitation programs. Above all, CIDA should provide assistance to self-help efforts within developing nations, so that long-term dependence upon Canada can be lessened.

#### 1982: COMMITTED

**Full Accord:** CIDA is in full accord with this recommendation and will respond whenever possible in its programs. The Agency's priorities for its current health and population program include the following:

- . Primary health care
- . Immunization against communicable diseases
- . Training of para-medical personnel
- . Provision of water and sanitation facilities

**Not Policy:** Normally, it is not CIDA policy to impose Canadian priorities on developing countries, but the Agency will endeavour to support programs recommended by the Committee. Canadian embassies and high commissions will consider rehabilitation and help to the disabled in the disbursement of CIDA's Mission Administered Funds.

**Financial Support:** The Committee is pleased with CIDA's support, and in particular with the Agency's decision to provide financial support to Disabled Persons' International, the international disabled consumers group.

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## 126 ACCESSIBILITY TO CANADIAN FACILITIES ABROAD

That the Federal Government instruct the Department of External Affairs to accelerate the implementation wherever feasible of the same policy for accessibility to buildings and facilities outside the country as Federal Government departments and agencies are required to implement in Canada.

That the Federal Government instruct the Department of External Affairs to promote the use of reasonable standards of accessibility to buildings or facilities owned, leased or funded by the United Nations and its agencies.

**Leadership:** Canada is already taking a lead role in the UN's activities to assist disabled persons. One way to reinforce the country's commitment to the worldwide disabled community is to set an example for accessibility. Minimum standards should be applied to all leases, construction and renovation of Canadian government buildings abroad, wherever this is feasible.

## 1982: COMMITTED

**Require Alterations:** The public areas of new chanceries and official residences are normally designed in accordance with "Building Standards for the Handicapped 1980". At present, a review of Canada's facilities abroad

is being conducted and those which might require alterations will be included in the normal priority planning for improvement as resources become available. If the program is intensified, additional resources would be needed. Instructions have been issued that accessibility to the disabled is included as a criterion for selection of future chanceries and official residences.

Canada has requested that organizations within the United Nations system improve access to their buildings and facilities for disabled persons.

**Realize Difficulties:** The Committee is pleased by the response, particularly since it realizes the difficulties in obtaining accessible facilities in certain parts of the world.

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## FUNDING AND IMPLEMENTING

### 127 INSTRUCT GOVERNMENT ORGANIZATIONS TO RESPOND QUICKLY TO RECOMMENDATIONS IN THIS REPORT

That the Federal Government instruct the relevant departments, agencies, and Crown corporations to give a higher priority in the allocation of their existing resources to the measures proposed in this report to meet the needs of disabled persons.

That the Federal Government instruct the relevant departments, agencies, and Crown corporations to take immediate action to implement the recommendation relating to employment, housing, transportation, and communications and to finance these out of existing resource levels.

**Restraints:** The recommendations in this Report call for more federal funds than are currently allotted for the needs of disabled persons. At the present time, federal departments, agencies and Crown corporations are facing financial restraints. Few federal organizations can look forward to increased budgets in the years ahead. In many cases, the budgets for 1984-85 are already committed to specific programs.

**Same Pie:** The disabled community in Canada must be given a bigger slice of the existing pie. It is time that federal organizations give the needs of disabled persons a higher profile. Existing programs can be paid for over a longer time period. Other programs may be delayed. In this manner, many of the recommendations can be funded out of current operating or capital budgets, and not require additional outlay of federal tax dollars.

**1982: COMMITTED**

**Interdepartmental:** Following the release of the OBSTACLES report, an interdepartmental committee was formed to make an initial review of the 130 recommendations. In considering the course of action to be followed, priority was given to recommendations that could be acted on immediately and largely within existing budgets.

**Forty recommendations:** In December 1981, the Minister responsible for the co-ordination of the responses to OBSTACLES tabled a document outlining the action taken on over forty recommendations. A second document was tabled in June 1982.

**Quick Response:** The Committee is pleased with the government response to OBSTACLES, particularly the quick response by the Ministers of Housing and Communications. The Committee urges continued pressure to implement the remaining recommendations.

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**128 GIVE PRIORITY TO NEGOTIATIONS WITH PROVINCES**

**Note:** This recommendation is a summary of several actions proposed in previous recommendations.

That the Federal Government immediately begin negotiations with the provinces to permit the establishment of the Comprehensive Disability Benefits Program proposed in Recommendation 39, so that this program may be implemented as soon as possible.

That the Federal Government act quickly to negotiate with the provinces cost-sharing agreements necessary for:



- The replacement of the Vocational Rehabilitation for Disabled Persons Act with new legislation (Recommendation 37).
- The development of new legislation to provide independent living services (Recommendation 75).
- The provision of aids and devices (Recommendation 98).

That, in order to ensure control over federal expenditures in these cost-shared areas, a ceiling or limit should be imposed. This ceiling or limit should be indexed and adjusted from time to time in light of experience and economic conditions.

That, the amounts allocated for these cost-shared programs should be pro-rated in each province in line with some indicator of social need, e.g. number of unemployment insurance recipients or social assistance recipients.

**Strategy:** The key strategy for all Federal Government Assistance to disabled persons in the future must be that of "independent living". Wherever possible, disabled persons must be able to leave institutions and be provided with funds and the assistance they need to live on their own. This is not simply a nice thing to do, but a matter of economic survival for disabled persons and for the government itself. Economic conditions will no longer allow for constantly increasing welfare payments. The funds required to meet the needs of more disabled persons are finite. Independent living on a large-scale is the only strategy that will permit more to be done with existing funds.

#### 1982: UNDER CONSIDERATION

**Task Force:** The Minister of National Health and Welfare has responded to Recommendation 39 by establishing a Federal-Provincial Task Force to

investigate a comprehensive disability protection plan and to report by September 1983. In the meantime, the Minister has responded to Recommendations 37, 75, and 98 by preparing "costed options" for submission to Cabinet in the autumn of 1982.

**Preliminary Steps:** The Committee is pleased that the Minister has taken preliminary steps in addressing these recommendations. All of the issues in these four recommendations were identified as critical ones during the Committee's regional hearings. The Committee appreciates that these recommendations will be costly to implement but it feels that the need is so great that the necessary funds must be found.

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#### **129 ESTABLISH CABINET-LEVEL REVIEW PROCEDURE**

That the Federal Government establish a review procedure at Cabinet level (similar to that which is in place with reference to the Status of Women) which will ensure that ongoing consideration is given to the concerns of disabled persons.

**Input:** Most Federal Government decisions are made without regard to their impact upon the lives of disabled persons. This was also true at one time with respect to women, but not any more. Following the International Women's Year in 1975, a simple procedure was developed to ensure that consideration was given to the concerns of women in decision-making by the Federal Government. This need not entail an elaborate or cumbersome review process - but simply a procedure similar to that used to protect the interests of women.

**1982: NOT IMPLEMENTED**

**Permanent Lobby:** The Federal Government has not established such a review procedure. The Committee feels that a Minister of State with permanent responsibilities for disabled persons would be able to lobby at Cabinet level on their behalf.

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**130 DESIGNATE A MINISTER FOR DISABLED PERSONS**

That a Minister of State on the Status of Disabled Persons be designated and that such a Minister be attached to a major department other than the Department of National Health and Welfare.

**Co-ordinator:** The Committee believes that it is essential for the Federal Government to designate a Minister who will be directly responsible for the affairs of disabled persons. But the Committee is totally opposed to the creation of a new and separate department. Nearly every Federal Government department and agency has programs and activities which directly affect disabled persons. What is sorely needed now is a single Minister to effectively monitor these efforts, without disrupting their present administrative arrangements. The Minister's mandate should be to maximize co-operation among all these departments and agencies, while keeping additional bureaucracy to a minimum.

**Responsibilities:** The primary activity of the Minister would be to fight at the Cabinet level for programs and policies affecting disabled persons. He or she would also be responsible for the following activities:

- . MONITOR federal department policies and programs to ensure that they are promoting the fullest possible participation of disabled persons in society.

- . CO-ORDINATE measures to improve the status of disabled persons at the federal level.
- . PERFORM a public information and liaison function by keeping in contact with organizations of disabled persons and individuals, and by issuing publications.
- . ENSURE Federal-Provincial consultation on issues relating to the status of disabled persons.

**Backward Step:** Disabled persons are striving to overcome the obstacles caused by segregation and of being prevented from participating in everyday Canadian society. The creation of a separate department would only reinforce both the image and the fact of segregation.

**Influence Needed:** The new Minister should be attached to a major department which already has significant involvement with disabled persons. This will provide the Budget and Cabinet influence needed to get things done. The importance of this attachment was summed up by the Honourable Lloyd Axworthy when he appeared before the Committee:

"Unless you are connected with a big line department with a lot of clout and a lot of ability, you are limited strictly to a role of persuasion. The portfolio should not be isolated because it would weaken the position of the Minister."

**Not Health:** While major department affiliation is essential, the new Minister should not be attached to the Department of National Health and Welfare. Programs administered through that department reinforce a tendency to see disabled persons as unfortunate victims who are sick. This attitude must be changed.

**1982: NOT IMPLEMENTED**

**Partial Fulfillment:** On December 7, 1981, the Prime Minister designated the Honourable Gerald Regan to be the Minister responsible for co-ordinating the implementation of the recommendations in the OBSTACLES report. The Committee was pleased by this action and applauds the government for giving this priority to OBSTACLES. This is a partial fulfillment of this recommendation.

**Now Permanent:** The Committee believes that the designation of a Minister should now be made permanent so that he or she can be an advocate on behalf of disabled persons on an ongoing basis.

**The Committee is totally opposed to the creation of a new Department:** Rather, what is needed is a single Minister to co-ordinate the many programs which affect disabled persons, and who will lobby on behalf of disabled persons at the Cabinet level.

**Good Example:** The Minister responsible for the Status of Women is a good example of the type of mechanism which is needed. A separate department was not created. Rather, the Minister monitors federal policies and programs and lobbies on behalf of women. The Committee is convinced more than ever that this kind of Minister is needed. Therefore, the Committee continues to urge for the designation of a Minister of State on the Status of Disabled Persons.

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## FOLLOW-UP

### ONE      DIRECT FEDERAL AUTHORITIES WHO IMPLEMENT RECOMMENDATIONS ON NATIVES TO CONSULT WITH NATIVE PEOPLE BEFORE ACTING.

In the OBSTACLES report the Special Committee set out 130 recommendations by which the Federal Government could improve the opportunities in Canada for disabled persons to help themselves. Of these recommendations, ten were specifically focused on the needs of disabled Native persons. The Members of the Special Committee now want to emphasize that the Federal departments which will act upon these recommendations - and the further recommendations that are contained in this Follow-Up Report - should consult fully with Native representatives, and with each other before doing so.

**No Consultation:** Native persons in every part of Canada believe that for over a century they share the common experience of not being consulted about Federal Government policies and programs which have had a major, and sometimes devastating impact upon their communities.

**Fear and Mistrust:** It is hard to calculate the waste of money, professional skill, and goodwill that bureaucratic ignorance and indifference have caused, but it has been considerable. The Special Committee quickly discovered in its attempt to identify the needs and concerns of disabled Native persons, that the biggest obstacle which frequently prevents any useful contribution by the Federal Government in assisting these people, lies in the fear and mistrust that many of them have of bureaucratic attitudes and procedures.

**Consultation First:** The Committee recognizes that there are dedicated and skilled individuals in the public service whose actions and attitudes do not fit the description above. But the overall picture of Federal relations with the Native population reveals far too many instances of little or no consultation. At the base of attempts to help disabled persons in general, is the issue of self-determination. The Special Committee, therefore, is concerned that the Federal Government implement

programs for disabled Native Canadians only after there has been consultation with representatives of Native communities, so that this principle of self-determination is given practical support.

There is also considerable evidence to show that the following Federal departments do not consult among themselves in a systematic fashion when implementing policies and programs which affect Native people:

- . Department of Indian Affairs and Northern Development
- . Canada Employment and Immigration Commission
- . Department of the Secretary of State
- . Treasury Board
- . Public Service Commission
- . Department of National Health and Welfare
- . Department of Regional Economic Expansion
- . Department of Justice
- . Department of the Solicitor General
- . Ministry of State for Social Development
- . Canada Mortgage and Housing Corporation

**Wasted Effort:** The initiatives of one organization may frequently duplicate, complicate or undermine the efforts of another, without the officials of either being aware of the fact until it is too late. A phone survey established that senior officials in several departments did not know how their own budget or programs related to Native persons, even after

they spent several days trying to find out this information. If this is true of other departments as well, then it is little wonder that officials do not consult across departmental lines. The net effect of this non-consultation is wasted money and effort on the government side, and confusion and mistrust on the part of those Native persons whom the efforts are intended to help.

In the OBSTACLES Report, for example, Recommendation 116 called for a study to determine the feasibility of a transfer of Indian health services from the Department of National Health and Welfare to the Department of Indian Affairs and Northern Development. This recommendation was made because the Members of the Special Committee perceived that there was a lack of consultation and co-ordination between officials of the two departments in a matter of central concern to thousands of Indian people. This lack of consultation artificially separates the problems of health care from other problems such as poor housing, heating, sanitation and transportation which are direct contributors to a high incidence of disability in Indian communities. The Members are concerned not so much with how the Government delivers its health services as with the fact they be delivered in a way that addresses the realities, the often harsh realities, of life in these communities. If effective service means a transfer of a major responsibility from one department to another, then so be it. But, if the best results can be achieved simply by guaranteeing greater consultation and co-ordination within the present arrangement, then that will also be satisfactory.

**Co-ordination:** Some organization in the Government must now take responsibility to ensure that internal consultation and co-ordination take place not only in Ottawa but also in the field offices where direct contact between Native persons and the Federal Departments occurs. The Special Committee recommends that the Ministry of State for Social Development (MSSD) takes the initiative to put into place an organization which will ensure that no policy or program affecting Native people will be implemented without first going through a process of interdepartmental consultation, as well as a process of consultation with Native

representatives. This organization may take the shape of a systematic committee structure which provides information between agencies and prevents duplication of services. As part of its responsibility, MSSD should also undertake an interdepartmental study of programs and services provided by the Federal Government to disabled Native people. In addition to reducing duplication and redundancy, this study will also be a first step toward identifying deficiencies of service.

**Departmental Strategy on Consultation:** As part of their responsibility, the departments should prepare in writing their policy and strategy on consultation, so that both Government officials and Native representatives will understand, if not agree, on how consultation is to be achieved on all issues. Any additional costs to the Government for carrying out these responsibilities will be more than offset by the subsequent savings which will result from the increased efficiency and effectiveness of co-ordinated activities.

**Necessary Interpretation:** The Committee feels that it is essential that as many Native persons as possible understand the recommendations in the OBSTACLES report and in this document. It recommends, therefore, that the Federal Government provide funds to ensure that translations and interpretations in Native languages can occur. The National Indian Brotherhood, the Native Council of Canada, and Inuit Tapirisat of Canada, have already indicated their willingness to co-ordinate and promote this exercise. Financial arrangements should be made through the Department of the Secretary State to ensure that the necessary interpretation occurs.

#### 1982: COMMITTED

**Responses:** There has been no comment on consultation from the Department of the Secretary of State. The Medical Services Branch of the Department of National Health and Welfare states that it "firmly believes in the principles of consultation" and points to new linkages with the following Native organizations:



- . Health Commission of the Assembly of First Nations
- . Provincial/territorial organizations
- . Tribal and District Councils
- . Indian Bands

**Paramount Concern:** The Minister of Indian Affairs says "consultation with Native people is of paramount concern .... Consultation is recognized by my Department as an ongoing process and one in which we are in a learning stance .... more will be said and done by DIAND in its role of advocate of status Indians and Inuit to achieve the spirit of this recommendation .... You can, therefore, expect my continuing commitment to pursue consultation in line with Indian people's expectations and need for services."

**Funding Allotted:** The Minister reports that funding has been allotted to Native political organizations to explore the structure for consultation with constituents, DIAND and other departments.

**Acceptable:** In 1981, Mr. Del Riley, President of the National Indian Brotherhood, stated: "The Federal Government has a policy calling for consultation with Indian people. What they need to do is implement their existing policy in a manner that is acceptable to Indian people and quit asking us to sanction what has already been decided by some higher authority in the government."

**Exclusive Work:** The Minister of State for Social Development reports that his Ministry (MSSD) already fulfills a role of co-ordination among Federal departments. MSSD has a division working exclusively on Native and Northern affairs. MSSD has asked the Minister of Indian Affairs and Northern Development to establish an interdepartmental committee to co-ordinate initiatives aimed at transferring greater control of Federal programs to Indian communities. The Minister of State for Social



Development also wants to consult with colleagues regarding the need for a study of Federal services to disabled Native people.

**Permanent Change:** The Committee is dedicated to the principles of consultation. It is only through that process that permanent change will occur. The Committee is seeking evidence that others are demonstrating the same level of commitment. All groups say they are doing it, but enough evidence from the field has come to the Committee's attention to indicate that it does not happen in all cases. Therefore, the Committee asks for a renewed commitment by Federal authorities to consult with Native people before taking actions on their behalf.

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**TWO        DIRECT THE DEPARTMENT OF SUPPLY AND SERVICES TO DEVELOP SPECIAL  
INFORMATION PACKAGES FOR DISABLED PERSONS, AS WELL AS NATIVE  
PERSONS**

Self-help on the part of disabled persons is impossible without accessibility to information about the services, facilities, programs and other forms of assistance that can be available to them at the community level. This lack of information is a problem faced by all disabled persons, but especially those who are Native Canadians. The Native population in general suffers from a lack of information about the world outside of their communities. They are isolated geographically, culturally, and very often linguistically.

**Short-Range Need:** In the OBSTACLES report, the Special Committee recommended that a Canadian Information Centre for Disabled Persons be established through the cooperation of Federal, provincial, and private organizations. Action is now being taken on this recommendation. On a long-range basis, this centre is crucial, but in the meantime, another project should be initiated which will solve some of the short-range information needs of Native and Non-Native disabled persons throughout

Canada. The Committee recommends that a special information package be compiled by the Federal government in consultation with representatives of disabled persons and Native communities, and which will provide disabled persons with information noted above.

**Special Task Force:** The Department of Supply and Services has within it a special Task Force on Services to the Public which has two purposes:

- . Bringing government closer to the Canadian public.
- . Making the government more responsive to individual needs.

In carrying out these purposes, the Task Force has created and published an Index of Federal Government Programs and Services, which features a detailed cross-referencing system. It is recognized within the Federal Government, that the Task Force and its Index has filled a major gap in bringing together information on access to the Federal Government and its services.

**Compile and Publish:** In view of this existing service the Special Committee recommends that the Task Force on services to the Public be given the responsibility of compiling and publishing an information package on services and programs for disabled persons. In carrying this out, the members of the Task Force should do the following:

- . Consult with provincial and private sector organizations which also provide programs and services to disabled persons.
- . Consult with representatives of disabled persons and their organizations, to ensure that the basic information needs are clearly outlined and approved by people who will be using the information.
- . Consult with representatives of Native organizations to ensure that the special needs of disabled Native persons are taken into account.

**Good Start:** Currently, the Bureau on Rehabilitation at the Department of National Health and Welfare is preparing an inventory and directory of information related to the needs of disabled persons in Canada. The inventory deals specifically with Federal programs and services, while the directory identifies provincial and non-governmental sources where disabled persons can receive information and assistance. This is a good start and all information that is organized by the Bureau on Rehabilitation should also be incorporated in the information packages which are being called for by this recommendation.

**Basis for Centre:** In the long-run the publication and distribution of this information may prove to be a cornerstone of the Canadian Information Centre for Disabled Persons. As soon as the Centre is established, then the responsibility for up-dating the directory of services and programs can pass from the Task Force to the officials of that new organization. In the meantime, the Special Committee sees the Task Force On Services To The Public as the appropriate organization to provide this essential information.

**Distribution:** The Department of Supply and Services has 14 walk-in information centres and eight other mobile units which can provide information on Government services to disabled Native persons in major population centres across Canada. These Service Bureaus have been set up to help all Canadians gain access to federal programs and information. They are equipped and designed to accommodate the needs of the disabled and the other disadvantaged groups. Specially trained staff provide face-to-face responses to queries about the complete range of Federal programs. The Special Committee recommends that the information packages referred to above be distributed through these Service Bureaus, at least until a distribution method can be developed which will reach disabled persons at their community level.

**1982: COMMITTED**

**Compendium:** On behalf of the Department of the Secretary of State, the Department of Supply and Services (DSS) Task Force on Services to the

Public has offered to undertake the project of compiling and producing a compendium of services available to Native and disabled persons in Canada. This initiative may be part of the proposed Canadian Information Centre for Disabled Persons (# 61). The DSS compendium will include services offered by Federal, Provincial/Territorial governments, and by the private sector.

If funding is available, the compendium will be developed in consultation with the relevant groups. Research and compilation should be completed by the end of 1982.

**Willingness:** The Committee is pleased by the willingness of DSS to undertake such a project, and urges immediate action.

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**THREE    PROVIDE RESOURCES TO THE "JOINT COUNCIL", TO IMPROVE IMPLEMENTATION OF POLICIES TO HIRE NATIVE PERSONS IN THE FEDERAL SERVICE**

In the OBSTACLES report, released last February, the Special Committee clearly established that increasing employment opportunities should be the central strategy by which disabled persons can help themselves. Among those disabled persons who are Native Canadians, this need for more jobs is even greater because the entire Native population faces high unemployment. Before the special needs of disabled persons can even be addressed in this matter, attention must first be focused on increasing employment for all Native persons. The Federal Government has already recognized this objective in principle; the time has now come to back up words with actions, especially as they relate to increased employment opportunities within the Federal public service itself.

**Federal Policy:** On November 15, 1978, Treasury Board and the Public Service Commission jointly issued a policy statement intended to increase the participation of Indian, Métis, Non-Status Indian and Inuit people in



the Federal public service. That policy was developed with the assistance of several Federal departments, as well as the National Indian Brotherhood, the Inuit Tapirisat of Canada, and the Native Council of Canada. Among the actions that the policy statement calls for are the following:

- **Identify Positions:** Federal departments with program responsibilities for Native people were to identify staff positions which related to the delivery of services to Native people. At the time, this applied to approximately 60 organizations. The long-term intent was to staff the identified positions with qualified Native people. Each department was to devise an action plan on a tight time schedule, so that the goals of increasing the quantitative and qualitative employment status of Native persons would be achieved. In other words, hire more Native persons in general, and ensure that more of those who are hired are promoted to management positions. If the intent of this policy was to develop a participation rate that is consistent with the percentage of Native people within the general Canadian population, then 12,000 Native persons should be employed eventually throughout the Federal public service.
- **Special Responsibility:** The Office of Native Employment, which was established in 1971 within the Public Service Commission, was given special responsibility to facilitate this activity and ensure that the intent of the policy was understood and acted upon within the entire public service.
- **Joint Council:** Following the release of the policy statement, the Government formally established a Joint Council to advise on the best way to implement the policy initiatives. This Council was comprised of senior representatives of Treasury Board and the Public Service Commission, and also from five associations which represent Native persons in Canada: The National Indian Brotherhood, the Native Council of Canada, Inuit Tapirisat of Canada, the Native Women's Association of Canada and the National Association of Friendship Centres.



**Implications:** The Special Committee understands the wording of this policy and the creation of the Joint Council to mean three things when it comes to actual implementation.

- **Significant Increase:** That there should now be evidence within the Federal public service of a significant increase during the past three years in the possibility of hiring Native persons, and that significant progress should have been made by now toward a target of 12,000 persons.
- **Significant Resources:** That the Office of Native Employment would have been given significant financial and personnel resources to carry out the mandate that is stated above.
- **Significant Consultation:** That Native representatives on the Joint Council would become integral participants in the implementation of programs which increase the employment possibilities for Native persons.

Such has not been the case.

**Little Action:** Regardless of what discussions may have taken place concerning these matters over the past three years, there has been very little improvement in either the quantitative or qualitative employment status of Native persons. As far as quantity goes, there has been only a net increase of 500 persons, bringing the present total to 3,000. There are approximately 300,000 public servants working for the Federal Government, and approximately 10%, or 30,000 of these leave each year as a result of retirement or resignation. That means that of the possible 90,000 replacements over the past three years, only 500 positions have been found for Native Canadians.

**Little Influence:** Regarding the increased quality of employment, that is, the promotion of Native persons to management positions within the public service, the following figures speak for themselves: There are at present 5,000 public servants who are considered to be in senior executive positions. Of these, only sixteen are Native Canadians. Given the importance

of managerial power and status to influence and implement policy in any area of the Government, it is small wonder that Native Canadians have such little success in determining the policies which affect them.

**Shift Responsibility to Treasury Board:** The Special Committee has also ascertained that the Office of Native Employment has received very little support or emphasis. During the time since the policy statement was released, the Office has had sufficient resources to call for departmental action plans, but has lacked the resources to pursue the overall employment policy aggressively. It is difficult for the Members to see how such an organization could possibly facilitate the significant actions which were called for in the policy statement. To this date, the action plans have resulted in several voluminous reports about good intentions, but not action. The Special Committee feels that of the sixty organizations which directly deal with the Native population, only three have shown exemplary activity in providing greater employment opportunities for Native persons. They are the National Archives, the Royal Canadian Mounted Police, and the Department of Public Works. The Committee Members also perceive that Treasury Board has not been as influential as its mandate allows in this whole initiative. The Members recommend, therefore, that the Treasury Board take over the analysis of departmental action plans. This will do two things: One, it will ensure a more effective use of Federal funds in the whole effort to increase the hiring of Native persons, and two, it will free the office of Native Employment to pursue practical programs to train and place Native persons in Federal jobs as soon as these jobs become available.

**Eighteen Month Refusal:** The Members of the Special Committee have also ascertained that the Native representatives on the Joint Council, mentioned above, were not provided with either practical resources or expertise necessary to give useful advice to the Government on how to implement employment programs. By and large, there were Native leaders who did not live in Ottawa, who were not familiar with the hiring policies and

procedures of the Federal public service, and who could not afford to research and determine the recommendations for effecting policies which were the responsibility of the Federal Government. The Government, in response to this complaint, encouraged the five associations to submit a proposal which would state what kind of resources would be required. The associations agreed among themselves that their mandate could best be carried out by a working group of hired specialists who understood the matters involved in Federal hiring practices, and that for this, each association would require \$40,000 to pay for salaries and administration. The Government considered this proposal for eighteen months and then refused it.

**Key Issues:** The five associations, notwithstanding the lack of Federal support in this matter, have met to identify the key issues which should be considered by the Joint Council. The Native representatives feel that three issues must be fully explored before any significant improvement can occur in the hiring of Native persons within the public service.

- . **Closed Competitions:** Many departments in the Federal service staff their units through closed competitions. In other words, the news of job opening is transmitted only to employees who are already working within the department. Persons outside of the departments, including Native persons, have no way of knowing about the possibility of jobs. The associations feel that closed competitions constitute a legal way of discriminating against Native Canadians. This may not be the intent, but it certainly is the result. The associations recognize that open competitions are more costly and time consuming, but they feel that if the whole issue is explored, other alternatives can be found.
- . **Selection Standards:** The associations suspect that there may be a number of artificial barriers to the employment of Native people. These would include educational factors which are unrealistic given the role that Native public servants will play in the delivery of services to their own Native communities. The associations feel that standards should be weighted so that proven ability, credibility with the Native communities, and communication skills balance some of the educational



factors. They recognize that if a Native public servant wishes to move elsewhere in the public service, to departments that are not directly related to the delivery of services to Native Canadians, then he or she must meet the qualifications that pertain for that position. The point to be emphasized here is that many Native candidates, who would work directly with programs related to Native communities, are being judged by criteria based on the educational requirements needed for public servants who are working with the Non-Native Canadian population.

- **Orientation Programs:** The associations feel strongly that many managers in the public service refuse to hire or promote Native persons because they are influenced by public attitudes which depict Native persons as unfit for employment in the Government. They feel that such problems were also encountered at earlier times by Francophone Canadians and by women. Extensive orientation for all public servants who work relates to the Native field is required to reverse the biases and prejudices which are reinforced by these attitudes. A co-operative approach between Native and Non-Native people is essential to develop the content and design of such an orientation program.
- **Policy Implementation:** The Special Committee recommends that the Federal Government now provide the Joint Council with the financial and personnel resources that it needs to do the job for which it was established. This will be a first step in creating greater job opportunities for Native persons throughout the Government. The Joint Council is key to providing the input which represents the interests of Native persons in Canada.

#### 1982: NOT IMPLEMENTED

**Facilities:** The Minister of Indian Affairs and Northern Development, in response to this recommendation, stated: "... an exclusive Approval order was obtained in December to facilitate the appointment of Native persons to two special programs within my Department. The Indian and Inuit Recruitment and Development Program has allocated to it 50 person years and

the Native Development Program, approximately 60 person years. In addition, we have obtained from the Treasury Board a temporary quota of 35 additional authorities to facilitate the recruitment and placement of Native people within the Department for periods of up to two years on training and development assignments. We have made a beginning in this area which will be pursued and furthered."

The Department of Indian Affairs and Northern Development currently employs 1424 Native employees out of 6005 including two persons at the senior executive level.

**More Constructive:** The Inuit Tapirisat of Canada (ITC) is a member of the Joint Council. They have repeatedly asked for funds to facilitate a more constructive participation as outlined in the recommendation. The Public Service Commission acknowledges that the recommendation has merit. There has not been a positive response, however, to ITC's request, nor to the recommendation, either by Treasury Board or the Public Service Commission.

**Straightforward:** The Committee urges Treasury Board to act quickly to implement this recommendation. The Committee perceives this recommendation as straightforward and well-defined. If the Government cannot support this recommendation, with its accompanying cost benefits, the Committee wonders how the Government can adequately respond to the more complex and far-reaching recommendations contained in this report.

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**FOUR      DIRECT SECRETARY OF STATE TO ESTABLISH PILOT PROJECTS TO IMPROVE  
CAPACITY OF FRIENDSHIP CENTRES TO ASSIST DISABLED NATIVE PERSONS**

At present, there are approximately 80 Friendship Centres in urban centres across Canada. If these facilities were given additional funds by the Federal Government, they would be able to provide valuable referral services to disabled Native persons. To varying degrees, Friendship Centres perform the following functions:



- **Meeting Places:** The Friendship Centres all have meeting rooms which can be used by Native persons for both formal and informal gatherings.
- **Lodging:** Housing and lodging services, either directly or on a referral basis. The Centre in Vancouver, for example, is a large dormitory facility set up along the lines of a YMCA. In smaller Centres, there are hostel services provided, or staff members help individuals to find accommodation in the community. Along with this service, many Centres also provide meals on an inexpensive basis.
- **Workshops:** The Centres design, develop and put on workshops for the Native and non-Native population in the community so that people can gain a better understanding of each other's culture and traditions.
- **Reinforcement:** A complete program of activities designed to increase and reinforce the awareness that Native persons have of their heritage. The objective here is to strengthen the sense of identity that Native persons have as they are going through the process of integrating into a non-Native community.
- **Social:** A year-round program of pow-wows, dances, bingos, fairs, dinners, and parades involving many members of the Native population.
- **Recreation:** A wide range of sporting events including athletic tournaments, sports meets with other community groups--and other activities such as walk-a-thons and fitness programs.

**Community Involvement:** Participation with other community organizations to promote greater integration of Native people into community life.

- **Counselling:** Staff members and volunteers provide counselling in the areas of employment, family living, alcoholism, other health-related matters, legal rights and education.
- **Referral:** The Centres make referral to support services in the community. These relate to such needs as employment, medical aid,

rehabilitation, social assistance and welfare, legal aid, education, and financial assistance.

- **Interaction:** The Community Interaction Program. This program, operated by the Centres, funds projects in the community which foster interaction between the Native and Non-Native population. An example of this is the Ontario Task Force on Native People in the Urban Setting, a joint Native-Provincial venture committed to improving the quality of life for Natives.
- **Transportation:** Staff members and volunteers provide transportation for those who cannot otherwise travel to health centres, and other support service facilities in the community. This service is also provided on voting days.
- **Fund-Raising:** The Centres raise money to support their own activities, as well as for activities in the community at large. For example, many centres hold walk-a-thons to raise money for the Cancer Society.

**Self-Governed:** The Friendship Centres are run by elected Boards of Directors which are comprised of Native and Non-Native persons. Not only do they direct the policies and programs of the Centres, but they play a key role in building bridges to other community services and programs. In Regina, for example, the President of the Board of Directors of the Friendship Centre also sits on the City Planning Board.

**Yearly Justification:** The Friendship Centre program began in 1958, with the first facility established in Winnipeg. Not all Centres provide the complete range of services listed above, but many more would do so if they had the finances to hire, train and keep skilled staff members. At present, the Friendship Centres receive \$4.9 million from the Department of the Secretary of State to be used as core funding. That means the funds cannot be used to finance their program activities. The programs that do exist are financed from other sources, such as private enterprise, foundations and provincial governments. This other funding during the

present year amounts to \$18.5 million. All of this additional revenue must be justified anew each year, in order to continue in subsequent years.

**Overworked, Underpaid:** Under the existing budgetary limits, the 300 full-time staff members in Centres across Canada are badly overworked and underpaid. One reason for this situation is that the expectations of Native and Non-Native members of the community for service from the staff members is very high; frequently it is unrealistic. A survey was conducted in the summer of 1981, by an independent management consulting firm. This survey of 17 Friendship Centres revealed that the work of full-time staff members averaged 72 hours per week, with weekly salaries between \$190 and \$300. Aside from salary, there was no other compensation, such as holiday pay, sick pay or training allowances. This latter is a critical lack since the extension of programs can be done at present time only through the up-grading of existing staff members.

The 1981 survey also indicated that if the Federal Government were to take over the administration of these Centres, and operate them with Government staff members to provide the same scope and quality of services, the cost of running the Friendship Centre program would exceed 200% of the present budget and cost Secretary of State five times its current financial commitment.

**No Failures:** One other thing should be pointed out about the funding that the Centres receive. Over the past ten years, the Federal Government has provided the program with \$5 million for capital expenditures. The administrators and staff of the Centres have parleyed that original investment into assets now worth \$15 million. During the period, no Centre has failed financially.

**Disabled Left Out:** This is the backdrop against which the needs of disabled Native persons must be considered. While disabled persons can be included as part of the client group receiving services from Friendship Centres, the specific needs of disabled persons do not receive any special attention. Program funding is stretched so thin, and staff members are so

completely occupied with other activities, that there exists no leeway under present economic conditions for extending programs to cover the special needs of disabled persons.

**The Recommendation:** The Special Committee recommends, after considering the potential of these Centres to provide special services to disabled persons, that the Department of the Secretary of State develop, through the National Association of Friendship Centres a pilot project with the following objectives:

- **Referral:** Establish a referral program aimed specifically at satisfying the needs of disabled Native persons. The funding of this referral program should include additional staff and educational resources.
- **Education:** Improve the capacity of Friendship Centre staff and board members to understand the concerns of disabled persons and advocate on their behalf. This may require a special training program, as well as general information campaigns focusing on the problems and concerns of disabled persons.
- **Accessibility:** Improve accessibility to the Centres and their facilities for disabled persons. In some instances, facilities now exist on the second floors of buildings which have no elevators, making it impossible for many disabled persons to reach them.

**Permanent Service:** Little is known about the unique needs of disabled Native people. National figures on frequency and types of disabling conditions are lacking. Everyday experience indicates that disability is a much bigger problem among these people than among other Canadians. New services and assistance are badly needed, but without proper data, it is difficult to deliver help in an effective manner. The purpose of establishing the pilot project, therefore, would be to identify the ways in which disabled persons would take advantage of special services, and the frequency with which this happens. If the pilot project proves that the



services are well utilized, then immediate steps should be taken to transform this temporary pilot program into a permanent one, applicable to all Friendship Centres.

**1982: NOT IMPLEMENTED**

See Obstacles Recommendation 115

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**FIVE INCLUDE THE NEEDS OF DISABLED PERSONS AS A MAJOR AGENDA ITEM IN THE UPCOMING NATIONAL CONFERENCE ON NATIVE HEALTH**

The Minister of National Health and Welfare has agreed to convene a National Conference on Native Health, and plans are already in motion to hold this conference in 1982. The Special Committee is concerned that the agenda of this conference include the needs of disabled Native persons as a central focus. There are three reasons for this:

**Inevitable Connection:** There is enough evidence to demonstrate the direct relationship between poor health conditions and the widespread incidence of disability among Native people. In fact, it is estimated that in some Native communities, more than 40% of the population lives with a disability of some kind. Therefore, in talking about health problems and solutions, the conference must inevitably discuss the needs of disabled Native persons.

**Cost Evaluation:** The key to major progress in eliminating the incidence of disability among Native persons lies in increasing the effectiveness of preventive health services in Native communities. The Federal Government is presently going through a period of cost evaluation of its health care programs for Native people. The Special Committee is worried that this evaluation will favour the curative side of health care over the preventive, because it is easier to measure the cost effectiveness of care



given to disabilities which do occur than of care which prevents them from happening. By making the needs of disabled Native persons a central agenda item, the importance of preventive health care will be underscored at the conference.

**Wholistic Approach:** The natural tendency of traditional western medicine is to treat the health field as something separate from social, economic, political and cultural considerations. Yet within Native communities, it is obvious to anyone who has visited or lived within them, that the high incidence of health and disability problems, are direct consequences of these other factors.

Therefore, the analysis of Native health issues must start from an attitude which incorporates a wholistic view of community conditions. The Special Committee feels that by focusing on the needs of persons who are disabled, the conference will be able to maintain an understanding of health issues which takes into account an individual's relationship with all aspects of daily community life, and how these either support or undermine healthy lifestyles.

**Representation:** With these considerations in mind, the Committee recommends that the official participation in the conference should be extended to representatives of Native people who can speak knowledgeably about all aspects of community life, including housing, employment, education, transportation and recreation--as well as about matters related strictly to health services.

#### 1982: COMMITTED

**Agenda and Theme:** The Minister of National Health and Welfare is committed to this recommendation and has already approved the agenda and theme of Indian/Inuit Control of Health. The Conference was originally slated for Winnipeg in mid-summer of this year, but administrative bottlenecks developed and that initiative has been lost.

**Rescheduled:** The Conference is now tentatively rescheduled for November 1982, but there is yet to be established a functioning steering committee to plan the activity. As a consequence, little progress has occurred beyond preliminary discussion.

**Back on Track:** The Committee urges all parties to come together and get the conference back on track. The issues are pressing and require immediate attention, before mistrust and ill will replace the good intentions and work of government and Native officials.

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**SIX      DIRECT CANADA EMPLOYMENT AND IMMIGRATION COMMISSION TO DEVELOP AND PROMOTE SPECIALIZED PARAPROFESSIONAL TRAINING PROGRAMS FOR NATIVE PERSONS.**

Under the present scheme of delivering Federally-sponsored health services to Native communities, there is a serious lack of trained personnel who can concentrate their efforts on the early detection and prevention of disabilities. This usually means that a disability can reach a serious stage before the disabled person is likely to receive medical treatment.

**Poor Situation:** In Northern Canada, for example, otitis media is a widespread and persistent problem for Native people. This middle-ear infection, which sometimes afflicts 80% of the individuals in a community at some time during their lives, often results in damage to the ear drum and consequent hearing impairment. At present, there are not enough trained medical personnel to concentrate on a systematic screening process to detect otitis media in an individual at an early stage. As a consequence, detection and treatment are hit and miss.

**Excellent, But:** There is a high turnover of public health nurses who are trained to deal with otitis media. Even in the best of situations, their ranks are understaffed, given the need that exists for their services in

all areas of medical care. These nurses are dedicated and do excellent work. They make considerable efforts, often beyond the call of duty, to deal with the problems of disabled Native persons. But they are not members of Native communities, so their commitment to any location tends to be short term. The problems of disabilities, however, such as those caused by otitis media, and the programs for prevention, require a long-range continuity of attention and service.

**Further Problems:** A disability such as that caused by otitis media has more than medical implications. The Special Committee received the following testimony from representatives of the Government of the Yukon:

"It is generally accepted that there is a higher incidence of middle ear infections in the Yukon and the Northwest Territories. Permanent or intermittently mild to moderate hearing loss means that the young child is at a severe disadvantage in acquiring speech and language skills. The problem is compounded still further when the child does not speak English as a first language or is not exposed at home to the standard English patterns that he needs in order to benefit fully from formal education."

Imagine the educational opportunities which are lost because this preventable disability often goes untreated or undetected until it reaches advanced stages.

**Paraprofessional Training:** The Special Committee feels that this example clearly illustrates that the only long-term solution to problems such as otitis media lies in the active involvement of trained Native technicians who will deliver medical and health-related services to their own communities. In short, there is an urgent need for specialized paraprofessional training for Native persons who can provide continual and consistent health care programs.

**Existing Resources:** Federal Government policies and programs already exist within the Canada Employment and Immigration Commission which, with minor

adaptations, would quickly provide the practical structure for these health auxiliary training programs. There also exists a Community Health Representative Program (Recommendation 12) which would immediately supply qualified Native candidates for specialized technical training. Other federal departments, such as National Health and Welfare and Indian Affairs and Northern Development, have the expertise to help design the curricula and to provide technical assistance for the programs. The various Native organizations are eager at this time to participate in the designing of the paraprofessional roles and duties so that they relate directly and effectively to conditions and needs within Native communities.

**Flexible Program:** The Community Health Representative (CHR) program in the United States now sees more than 50% of its representatives go on for the kinds of specialized training that is being called for in this recommendation. In Canada, the CHR program, although national in scope, provides the kinds of flexibility which will permit individual representatives to be trained to meet the unique needs of a specific community. At the same time, because it is a well-established national enterprise, the CHR program will ensure that standards of basic health education are met before the individual candidate enters the paraprofessional program.

**CEIC's Role:** The Canada Employment and Immigration Commission has played a major role in the development of the Community Health Representative Program across the country by underwriting the training costs. The Committee feels that the Commission now has two agencies within it which can provide the expertise needed to co-ordinate the development of more specialized paraprofessional training programs:

- **The Manpower Training Branch** administers all CEIC training programs, including a special one called Training Opportunities for Natives Initiative (TONI). This Branch negotiates with provincial governments over the design and content of special training programs, and purchases these programs from the educational institutions which are operated in the provinces. Furthermore, there are a number of colleges in Canada which now provide special programs for Native students in several social



and professional disciplines. These institutions should be encouraged to tailor their programs to meet the unique needs of Native para-professional training. Certainly the Native organizations already involved in post-secondary educational activity could bring useful experience to the initiatives proposed by this recommendation.

- **The Native Employment Division** is a small unit which provides functional guidelines and advice to all levels of management within CEIC on the employment-related needs of Native people, and on the delivery of programs to Native communities.

**A Stronger Mandate:** The Committee therefore recommends that the Government direct CEIC to increase both the mandate and the resources of the Native Employment Division to reflect the findings of the recently released Dodge Task Force, which identified the Native population as a key contributor to the growth of Canada's labour force over the next ten years.

The Native Employment Division must be able to influence CEIC's operations at field levels as well as the policy level in Ottawa.

There are other important issues which this recommendation addresses. As the Honourable Lloyd Axworthy, Minister of Employment and Immigration points out in his recent departmental statement on consultation:

"Special attention will have to be paid to other groups of Canadians who have historically found it difficult to secure employment. These include Native people and the disabled, who are also waiting to participate in labour markets.

Native people have for a long time been endeavouring to adjust to the disappearance of their traditional economic base. Many have been successful. Many others are still faced with serious problems in obtaining and retaining rewarding forms of employment. These problems must be solved. And it would be a tragedy if, in a region likely to experience high labour demand throughout the decade, we failed to find

means to accommodating, and using in an increasingly effective way, a burgeoning and energetic young labour force already coming into place in that same region... We must take into account the economic aspirations of all Native workers when formulating new policies and programs..."

By expanding the role and responsibilities of the Native Employment Division, all of the concerns noted above will receive attention.

**Synopsis:** Together, the Manpower Training Branch and the upgraded Native Employment Division, in co-operation with other Government departments and representatives of educational institutions should undertake the development of paraprofessional training programs. The entire process should include the direct participation of Native representatives.

#### 1982: COMMITTED

**Special Programs:** The Minister of Indian Affairs and Northern Development, in response to this recommendation, stated: "Much of the success of the post-secondary education for registered Indians in the last ten years can be attributed to special programs which facilitated the access of Indian people into the professions. Given the current government thrusts regarding technical training, my Department will be exploring with CEIC, innovative measures that can be undertaken to enable native access to a broader range of training program."

**Same Format:** The conditional response of the Minister of Employment and Immigration to this was: "I would think that the training of paraprofessionals can follow the same organizational format already established for the Community Health Representatives training courses ... as funding becomes available to Bands to hire paraprofessionals", CEIC will provide training. CEIC is currently reexamining its role in providing services to Native persons.

**Urgent:** The Minister of Indian Affairs and Northern Development strongly supports the CEIC approach: "... it is urgent that similar innovative

measures be undertaken to enable Native access to the appropriate training programs."

**Serious Lack:** There is a serious lack of trained personnel in Native communities. Paraprofessional programs in not only the health professions are urgently needed. The Committee urges CEIC to work quickly in its reexamination and to institute badly needed programs.

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**SEVEN: CHANGE NNAAP PROGRAM INTO AN INITIATIVE WHICH RELATES TO THE  
CHEMICAL DEPENDENCY PROBLEMS OF INDIAN-INUIT PEOPLE**

The National Native Alcohol Abuse Program (NNAAP) was established in 1975 as a joint venture by the Department of Indian Affairs and Northern Development and the Department of National Health and Welfare as a response to the increasing problem of alcohol abuse in Indian and Inuit communities.

**Critical Problems:** All Native leaders agree that their most critical community problems result from alcohol abuse. Fully one-third of all deaths among Status Indians and Inuit are alcohol related, while over 60% of the Indian "children in care" arrive in that situation as a direct result of alcohol abuse. Total costs attributable to Indian and Inuit alcohol abuse approach \$150 million per year. The social costs are inestimable. This is the harsh reality which so many Non-Native people cannot appreciate, and from which the disabled Indian and Inuit person cannot escape.

**Devastating Impact:** Alcohol abuse is only symptomatic of deeper problems in Indian and Inuit communities. The impact of modern Canadian society has been devastating. People have become dislocated from family and friends. Juvenile crime, child neglect, social tension and communicable diseases have become major social problems. Unfortunately, many Indian and Inuit

people turn to alcohol as an escape from a grim future. Alcohol is a major and increasing cause of handicap and disability, especially among children who are born with fetal alcohol syndrome.

**Changes Needed:** The NNAAP was designed to help communities counter the debilitating effects of alcohol abuse. Conceptually, the program is sound, but it requires major changes in its terms of reference, its organization and its administration in order to be more effective.

- **Confusion:** There is confusion at this time over who should receive support from this program and for what reasons. For example, even though it is called "Native" it does not include Non-Status Indians or Métis within its mandate; nor does it fund projects in the field of drug abuse, gas sniffing or glue sniffing.
- **Complaints:** There have been complaints that the program is preoccupied with unrealistic evaluation criteria. In other words, the expectations on the part of Government officials have been very high, yet no reasonable yardstick has been developed to determine what would constitute a "success". This puts considerable pressure on the program organizers because they do not really know how it is that they are expected to justify further Government spending.
- **Inflexibility:** The program lacks flexibility in administration. For example, monies are given out strictly on a single year basis--and are restricted to specific kinds of expenditures. This means that the local projects cannot be planned over a number of years with any reasonable sense of security, and they are left without funds for essential facilities and staff members. This lack of flexibility undermines the development of long-term facilities and personnel which are essential to making the program effective. The time and talent of the staff are frequently used up in preparing applications for the next year's funding, or for seeking funds outside of the program.



- **Little Understanding:** Until recently, the program was controlled by a board in Ottawa which had little understanding for the special needs and initiatives on local levels. With the best will in the world, this board was not able to appreciate how unique the problems and opportunities are in each band or local community.

The Special Committee recommends, therefore, that the terms of reference for this essential program be clarified and expanded in the following way:

- **Comprehensive:** The program should be called the Indian-Inuit Chemical Dependency Program, thereby stating for whom the services and funds are committed, and for what purposes. In addition to alcohol abuse this will allow the program to deal with the problems caused among Indian and Inuit bands and communities by the non-medical use of drugs, including glue and gas sniffing.
- **Additional Funding:** The program should receive additional monies, twice the present amount, and should be established on an ongoing basis--so that local bands and communities can plan the development of their facilities and staff members over a number of years.
- **Decentralized:** The program should be decentralized in its administration at a pace and a direction determined by those Indian and Inuit people for whom it is intended. For example, the Cree Indians living in both Saskatchewan and Manitoba may want to run their program in such a way that it includes bands in both provinces. But the Federal Government may prefer decentralization, when it comes, according to internal bureaucratic lines on a province or district basis. The Indian view should prevail as much as possible.
- **National Body:** A national body should be set up to serve the program as a board of review and appeal. Whenever conflicts develop at the local level, or when needs develop at the local level which call for

initiatives that are beyond the terms of reference of the program, the board would be able to resolve the conflicts or represent Native community views at the national level.

- **Information Exchange:** The national body would also be responsible for improving the information exchange between the various projects across the country so that program failures and successes in one part of the country can contribute to the ongoing learning process within other projects.
- **Multi-Year:** Projects should be able to be funded on a multi-year basis, and include provisions for capital expenditures. What is the sense of renting a 16mm film projector for six months, when the same money would have purchased the machine outright?
- **Realistic Evaluation:** Project evaluation will be a key factor of the program. However, it should be done on a realistic basis that takes into account local difficulties and opportunities and resources. For example, in some bands or communities, the government structure may be such that the project can become fully operational in a very short period of time, while in other places it may take a year or several years simply to establish the foundation and staffing, before any effective program can commence.
- **Periodic:** The evaluation of the overall program should occur on a periodic basis, three to five years perhaps, and should include both empirical evidence as well as attitudinal surveys.

#### 1982: IMPLEMENTED

**Extensive Process:** On April 5, 1982, the Minister of National Health and Welfare announced that the Federal Government will spend \$154 million over five years to combat alcoholism and chemical related problems of Indian-Inuit people. During 1982-83, this program will cost \$21 million. The

expanded program, according to the Minister, was developed through "an extensive process of consultation with Indian people over the past six months".

**Unconditional Support:** The National Indian Brotherhood offered "unconditional support" for the recommendation, but questioned the sincerity of the Federal Government in its consultation process. The Inuit Tapirisat fully supports the recommendation because the most critical community problems in the North arise from alcohol abuse. The National Association of Friendship Centres told the Committee that NNAAP does some very good work but has insufficient funds.

**Restricted:** The program is restricted to status Indians and Inuit but the Minister is opening talks with the provinces to cost-share programs for Métis and Non-Status Indians. The Minister also announced the creation of a National Council on Native Alcoholism and Drug Abuse to advise her and the continuation of regional boards (established under NNAAP) to advise the department on management of the program.

**Applause:** The Committee applauds the Ministers of National Health and Welfare and of Indian Affairs and Northern Development for implementation of this recommendation.

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**EIGHT    DIRECT THE DEPARTMENT OF NATIONAL HEALTH AND WELFARE TO PROMOTE HEALTH AND SOCIAL SERVICE COMMITTEES AT THE BAND AND COMMUNITY LEVELS.**

This recommendation is made to ensure that the needs of the disabled Indian and Inuit people are kept in the forefront of band and community planning as the process of self-determination develops across Canada.

**Self-Government:** Self-determination for band and local community governments is already receiving the full support of the various Federal Government departments which serve Indian and Inuit people. The Department of Indian Affairs and Northern Development has carried on a ten-year process of devolution which has called for the continual transfer of program control to Indians bands. Recently, this policy of devolution has moved up a step and has become a direct policy of encouraging self-government and community self-reliance.

**Existing Budget:** The Department of National Health and Welfare has received \$3.6 million to support demonstration projects and special initiatives related to health and social service programs which are determined by Indian and Inuit bands and communities. The Special Committee recommends that these monies be considered for the support of the committees described below.

**Existing Structure:** The institutions and community structures already exist in most bands and local communities to accommodate this important responsibility. Such existing representation should be used as fully as possible to avoid the development of a separate bureaucracy. In addition, the special health and social service committees should be open in membership not only to the band and community members, but also to those individuals such as local doctors, teachers, nurses and clergy who have a direct involvement in the health and social well-being of the communities. Of course the question of membership on these committees is something for each band or community to decide for itself. The committee members within each band or community will analyze their own needs and design their own programs as they see fit.

**Success at all Levels:** The concept of self-determination in local health matters was pioneered by a number of Indian tribes in the United States, and it resulted in the development of the National Indian Health Board. This Board eventually became advisory to the senior executives of Indian Health Services in the United States government. In Canada, the Federation of Saskatchewan Indians (FSI) started a campaign to motivate self-



determination activities in health and social service areas. The campaign resulted in two major initiatives: The Task Force on Health and Social Services by the FSI is currently negotiating amendments to provincial legislation so that the concerns of off-reserve Indian children will be properly looked after. There is also a plan for a Saskatchewan Indian Alcohol Commission which proposes to take over responsibility for alcohol-related programs for Indians throughout the province. On a smaller, but equally significant scale, Everett Soop of the Blood Band in southern Alberta is in the process of organizing a disabled Indian association which will bring their special concerns over housing, transportation, recreation and employment to the attention of the chief and council.

**Committee Roles:** Generally speaking, based on these experiences, the duties and activities of local health and social service committees will probably include the following:

- **Participation:** Participation in the needs analysis, planning process and even in the administration of health and social services.
- **Advocacy:** Advocacy on behalf of specific groups, including disabled persons, within the band or community.
- **Information:** Development of information programs for band and community leaders, and the full community membership. This means identifying and explaining the needs and concerns of disabled persons.
- **Integration:** In all community planning, to participate and point out the necessary relationship between health issues and those of social services. For example, planning for housing and sanitation systems should be conducted with an eye to both health and social factors. The integration of these kinds of programs will reduce the risk of duplicate spending and wastage of resources.

**Other Support:** In addition to financial support from the Department of National Health and Welfare these committees should receive technical advice and assistance from Government officials. This could include training for the establishment of local programs, which will bring to band and community attention, the problems and needs of the disabled persons.

#### **1982: COMMITTED**

**Band and Community:** The Minister of National Health and Welfare wrote to the Committee that "Medical Services Branch has as a high priority in the promotion of Health and Social Services Committees at the band and community levels". Although the Minister reported a significant increase in such committees during the past year, the Department of National Health and Welfare is only responsible for health committees. The social services component comes under the Department of Indian Affairs and Northern Development.

**Both Issues:** There are many health committees in Native communities, but only in Nova Scotia and the Yukon do the committees address both health and social issues.

**Every Two Months:** In Nova Scotia, the Committee meets every two months and includes representatives from the Departments of Indian Affairs, Health and Welfare and Employment and Immigration, provincial representatives and other federal departments involved in Indian matters. The group is presently addressing social issues and is planning a workshop in June which will focus on a whole spectrum of social problems impacting on health.

**Six Communities:** In the Yukon, there are interagency meetings at the community level in six communities, and these meetings deal with health and social concerns.

**Expand Terms:** The Department of Indian Affairs and Northern Development is consulting with the National Indian Brotherhood and the Department of National Health and Welfare about establishing the basis for integrating

the delivery of health and social services at the community level. One proposal would be to expand the terms of reference of the National Commission of Enquiry on Indian Health (see Obstacles Recommendation 114).

**Newfoundland:** In support of this recommendation, the Premier of Newfoundland made this statement: "The concept of social service committees for the purposes suggested in Recommendation 8 is a forward-looking one. We have had some positive experience with such communities in some of our Labrador Native communities. That experience shows that community participation in identifying the need for social services and in planning for the delivery of services is more effective than the traditional method of providing services ..."

**Value:** The Committee is pleased that the two Departments, Indian Affairs and Health and Welfare, have recognized the value of health and social services committees. The Committee continues to urge Health and Welfare to encourage the creation of more committees to discuss both health and social issues.

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**NINE      ESTABLISH HEALTH PROMOTION AND PREVENTION OF DISABILITIES AS  
PERMANENT PARTS OF CURRICULUM IN INDIAN-INUIT GRADE SCHOOLS**

Disability and the many causes of disability are such an immediate everyday reality in the lives of Indian-Inuit people, that the whole subject of disability and how to prevent it should be a major focus of education in Indian and Inuit schools, especially at the grade school level. The facts and figures which indicate the wide-spread existence of disabling injuries and illnesses clearly justify a special and major effort to make health promotion and the prevention of disabilities a central part of the curriculum in grade schools on reserves and Native communities across Canada. The earlier in life that Indian and Inuit children are informed of

the special difficulties that they face, and the special dangers that they are subjected to on a daily basis, the better the chances will be that they can equip themselves with the knowledge and habits needed to avoid disability.

**Community Knowledge:** The least costly disability is the one which does not occur. Conventional health services which are provided to the Indian-Inuit people by professionals from outside the community tend to be curative in nature. They do very little to identify and to eliminate the causes of disability. The Indian and Inuit people often know best what the problems are which lead to disabilities among their families and friends. It is their experience and knowledge, therefore, which should be utilized in creating the curriculum of health promotion and prevention of disability. The assistance of advisors with specialized skills is secondary and complementary. The Special Committee recommends, therefore, that while financial and technical assistance for such a curriculum should be provided by Federal organizations, the form and content of the education itself should be determined by those Indian and Inuit people who are appointed within their bands and communities to carry out this responsibility.

**DIAND Responsibility:** The Department of Indian Affairs and Northern Development is responsible for the education of Indian and Inuit children. It directly administers a great number of the schools on Indian reserves and in Indian communities. The Department, therefore, should take the initiative in implementing this recommendation in collaboration with the health professionals who are employed by the Department of National Health and Welfare.

**Utilize Expertise:** The Department of National Health and Welfare, for its part, is already doing a great deal to promote healthy lifestyles, and to inform Indians and Inuit on ways of avoiding disabilities in their lives. However, at this point, little of this education is reaching children in the schools. The Special Committee, therefore, recommends that Government officials, professionals and any others that may be needed, should now assist Indian and Inuit representatives to design and implement the necessary curriculum for grade school children.



**Indians Point the Way:** Indians have recognized for a long time the importance of prevention and health education. In a statement on Health Education, the National Indian Brotherhood made the following points:

"The solution will come in educating people how to stay well and healthy and, therefore, how to prevent disease and disability. The solution will come with massive health education programs in our schools. We need the opportunity to educate our people in the basics of healthy lifestyles. The greatest breakthrough in health care in our country today is the knowledge that human beings can be healthy, and can be responsible for their own health and their own lives."

**American Experience:** There are several Indian reservations in the United States where the Indian people themselves control the school systems and where health promotion and the prevention of disability is a central part of the school curriculum:

- **Montana:** At the Rocky Boy Indian Reservation in Montana, an elected tribal health board three years ago established a special health education initiative in co-operation and consultation with university officials, state officials and health professionals from the private sector. A school curriculum was developed for kindergarten to Grade 8. Grades 9 to 12 will soon receive a curriculum presently under development. The curriculum emphasizes local values and culture, including the traditional sense of prevention as an integral part of health education. Indian staff members, with specialized training in health promotion, are currently training teachers in workshop situations so that this health curriculum will become an everyday part of each child's education.
- **Wyoming:** At the Wind River Reservation, in Wyoming, an elected health board decided to implement the School Health Curriculum Project, which is a national project developed by the Centre for Health Education in California. The latter is now in use in 2,000 schools in 29 states throughout the U.S., but not in Indian schools. The Wind River

representatives implemented this project, with modifications, at four different locations throughout the reservation. The project enjoys significant community support and interest because it works. The Billings Area Office of the United States Indian Health Service, has fostered and encouraged the development of the project. They say that it has been one of the most effective methods of influencing attitudes and behaviour throughout the reservation--because the children carry the messages of good health home to their parents and friends.

- **South Dakota:** Recently, the Pine Ridge Reservation in South Dakota implemented the same program as that used in Wind River. Their own modifications emphasized intensive orientation of classroom teachers. The results have been similarly positive.

#### **1982: NOT IMPLEMENTED**

**Equivalent:** The Department of Indian Affairs and Northern Development (DIAND) replied to the recommendation by stating that in the 344 schools on Indian reserves, Indian children are provided with a curriculum equivalent to that provided for other children in provincial schools.

**Missed the Point:** The Committee feels that the response by DIAND indicates that they have missed the point of this recommendation. The Follow-Up Report amply illustrated the detrimental living conditions and lifestyles of Native people in comparison with those of the general Canadian population. For example, the death rate for Indians is 2 to 4 times the rate for Non-Indian people. The death rate from fire for Indians is 7 times the rate for the rest of the Canadian population. It is not enough, therefore, to say that Indian children receive a curriculum on prevention of disabilities that is equivalent to that provided to Non-Indian children in provincial schools.

**Greater Risk:** Indian children are clearly at greater risk than Non-Indian children, and therefore need special emphasis in their school curriculum on the prevention of disabilities. The Committee reiterates its support for this recommendation and urges DIAND to reconsider its response.

**TEN        DIRECT DIAND TO LAUNCH AN INDEPENDENT INVESTIGATION INTO  
OUTSTANDING GRIEVANCES OF DISABLED INDIAN WAR VETERANS.**

Indians have been involved in significant numbers, in both World Wars and the Korean War. They have never been required to serve in the armed forces, not even during times of conscription. Nevertheless, during the Second World War, over 3,000 Indians served overseas with the Canadian Armed Forces, and it is estimated that an equal number crossed into the United States to serve in the American Armed Forces.

**Benefits or Status:** Beginning with the experience of the returning Indian veterans from the First World War, there was a growing discontent over the treatment received from the Federal Government. Indian associations across the country note that Indian war veterans experienced difficulty in receiving the benefits due to them for having served in the wars. These difficulties continue today. According to the complaints, these difficulties take one of two forms: Either the veteran has been required to give up benefits as a status Indian in order to receive veterans' benefits, or he has been forced to relinquish veterans' benefits in order to continue receiving benefits as a status Indian. The Special Committee received deputations from disabled Indian war veterans claiming mistreatment along the lines described above. The extent of the situation and the validity of their complaints have never been fully examined by the Federal Government.

**No Solution Yet:** There has been an undercurrent of discontent, going back to the First World War, regarding the benefits for Indian veterans. Over the past 60 years, continual discussions have taken place on an informal basis within the Indian community, but no systematic attempt was made to resolve the issues. The controversy was brought into national focus by the death of Tommy Prince in Winnipeg in November 1977.

**Attention Focused by War Hero's Death:** Tommy Prince, the grandson of Peguis, a famous Saulteaux Indian Chief, was one of Canada's most decorated soldiers, with distinguished service in both the Second World War and the

Korean War. He received citations for conspicuous courage in action in Italy, Germany, France and South Korea. He served with the Royal Canadian Engineers, the first Canadian Parachute Battalion, the first Canadian Special Service Battalion (an elite unit of the famous "Devil's Brigade") and Princess Patricia's Canadian Light Infantry. He lived out his final days in a one-room hostel, alone and destitute. His only rewards for his war efforts were a chestful of medals and a small pension.

**Grassroots Movement:** Following the death of Tommy Prince there was a renewed grassroots movement across Canada to come to grips with the whole issue of compensation to Indian veterans. Discussions took place with the federal ministers who were responsible for veterans and their benefits. In 1979, these local efforts led to the establishment of the National Indian Veterans Association in Ottawa. In that year, the Indian All Chiefs Conference gave an official mandate to this association to represent the concerns of Indian veterans.

**Unavailable Files:** One of the big problems in resolving the complaints and clarifying the whole issue of benefits for the Indian veterans lies in the difficulty of determining what benefits have or have not been received. The National Indian Veterans Association has compiled a list of 1,729 men and women who have been identified as veterans with grievances. The association is seeking to obtain the files of these individuals on their behalf from the Department of Veterans Affairs and from DIAND. So far they have had no success, since both of these departments maintain that the files can be released only with the separate authorization of each individual.

**Independent Investigation:** The Special Committee, therefore, recommends that the Department of Indian Affairs and Northern Development, in collaboration with the Department of Veterans Affairs and the National Indian Veterans Association, launch an independent investigation into these complaints, so that the true facts of the situation can be brought to light. If the grievances are justified, steps to redress them should be



taken immediately by the appropriate federal officials. Steps should also be taken to ensure that such situations do not arise in the future.

**Authority to Examine:** The Members of the Committee recognize the importance of a specific examination of individual files. They therefore recommend that the independent investigator be given the authority to examine the files of all individuals who were veterans, and also those of their dependents to determine the full nature of benefits received or not. The Committee also recommends that the entire process of examination of veterans records, and the clarification of issues, take place with the direct consultation and involvement of officials from the National Indian Veterans Association. In this way, doubts about what has transpired between the departments and the Indian veterans over the past 60 years can be dispelled, and full information will be made available to everyone who has a need to know about these matters.

#### 1982: COMMITTED

**\$40,000 Assistance:** The Department of Indian Affairs and Northern Development has supplied \$40,000 to two Indian veterans associations to assist them in researching claims. To date, no cases have been substantiated. DIAND is developing a policy paper on such grievances, but there has been no statement forthcoming from the department.

**Indian Affairs Committee:** On June 1, 1982, in a report to the House of Commons, the Standing Committee on Indian Affairs and Northern Development stated that it "heard with regret of the inequitable treatment of Indian war veterans. Your Committee urges that the Department of Indian Affairs and Northern Development, in conjunction with the departments concerned, extend adequate research funding to the National Indian Veterans Association to alleviate shortcomings in the treatment of Canadian Indian veterans."

**Review Files:** The Minister of Veterans Affairs addressed a National Indian Veterans Association (NIVA) workshop in January 1982 and stated that he

would be prepared to review the files of Indian servicemen and women if preliminary investigations show a pattern of discrimination. NIVA has already sent 75 names, complete with authorization cards, to the Minister for investigation.

**Serious Consideration:** The Committee urges the Minister of Veterans Affairs to act quickly in investigating these claims and to give serious consideration to the appointment of an independent investigator.

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**ELEVEN DIRECT DIAND TO IMPROVE PROGRAMS WHICH PROVIDE MANAGEMENT TRAINING, INFORMATION AND TECHNICAL ASSISTANCE TO INDIAN-INUIT COMMUNITIES.**

Ultimately, the problems that disabled Indian and Inuit persons face can be solved in significant ways only when their local governments are able to take on greater responsibility for community affairs, including the special needs of disabled persons.

**Information and Awareness:** For this greater responsibility to come about, however, two things are needed: First, there must be a great increase in the information available to these local governments about the technical and financial resources from private, public and voluntary sectors which can be used at the community level. Second, there must be a concerted effort to develop the awareness and skills of community leaders so that they can identify and obtain the information and resources needed by their communities.

**Self-Government Skills:** The Federal Government, in statements from key departments that deal with Indian and Inuit communities, has firmly established a policy of self-government for these communities. Such a policy has meaning, however, only to the degree that the government is willing to provide the resources and the training to bring about self-

governing skills on the part of Indian and Inuit leaders. The use and control of information at the local level is the very essence of these skills.

**Successful Role-Models:** The Federal Government has yet to come to grips with the issue of Native managers for Native affairs in any consistent or practical way. If the Native leaders must comply with federal guidelines then these must be taught in such a way that they serve the interests of the community. Solutions will not come through legislation, nor can they be established on demand. To plug people in without developing their management skills, or to appoint individuals to senior posts purely on the basis of their political status only invites failure. It takes time and patience to develop successful role-models among the Indian and Inuit people, and the sooner the Federal Government faces this fact with a serious degree of commitment, the sooner self-determination will become a practical reality at the community level.

**Isolated Efforts:** In the past, the provision of information to Indian and Inuit leaders regarding essential resources has been looked upon within the Federal Government as something of a luxury. When it happened at all, it depended upon the extraordinary concern and efforts of concerned individuals. For example, in the mid-1970's, a regional director of DIAND, on his own initiative, produced an inventory of programs and services available to Indian communities in his western region. He did this in two consecutive job assignments, on his own time and without a specific budget for this service.

**Resource Inventory Guidebook:** More recently, an individual at the Department of National Health and Welfare, produced a comprehensive inventory of technical and financial assistance available to Indian and Inuit communities across Canada. This inventory informed the leaders of communities on how to get assistance, where to get it, and provided them with a description of the terms and conditions under which they could control the use of these resources. He was unable to promote the guidebook effectively because it was practically impossible for a single individual,

with no official mandate or budget, to reach almost 600 different communities from coast to coast. Nevertheless, where he was able to deliver the information, it met with an enthusiastic and practical response.

- **Communal Shower:** At Fort Good Hope, N.W.T., the people of the community were able to build a much-needed communal shower with funds from the Canada Mortgage and Housing Corporation, after learning about the availability of such assistance from the guidebook.
- **Food Guide:** The people of Pangnirtung, in the Eastern Arctic, successfully sought assistance from the Hudson's Bay Company in adapting Canada's Food Guide so that it relates to the living conditions of the North. Again, they learned how to approach Hudson's Bay with their request from information provided in the guidebook. The results were so successful that the concept is now spreading across the Arctic to other Inuit communities.
- **Management:** Similarly, the guidebook helped the organizers of the Nechi Alcohol Program in Alberta. They enlisted the support of the Canadian Executive Services Overseas, a voluntary group of retired businessmen, who offer managerial training and counselling services to community organizations. From the same program, a retired accountant offered his services to the Indian band of Lennox Island, P.E.I., to develop their alcohol abuse program. The guidebook proved its value once again.
- **Leaders Agree:** Indian leaders from provincial and territorial organizations across the country share the view of Bill Cramner, Chief of the Nimpkish at Alert Bay, B.C.:

"This community has been through hell when it comes to health care and control by the Indian people. I'm glad that the government is finally coming around. At least the bureaucrats in Ottawa seem to be on our side, but that isn't enough. You can't run a local government and solve local problems effectively if all you have is partial information and



semi-skilled assistance. That in itself is a disability. If Indian Affairs, or some well-informed agency, could simply help Indian leaders to become aware of all the resources that are available at the community level, and how to use them, then I'm sure we could do much more for our own disabled people. It's a question of knowing what's available and then going out and getting it."

**Recommendation:** Throughout its hearings, the Committee has been told repeatedly that the availability of information about resources and programs is a crucial element in any effort by disabled persons to help themselves. This need is even more deeply felt among Indian and Inuit people, who suffer from a general lack of information about outside resources, but especially about those which relate to disabled persons in their own communities. The Special Committee recommends, therefore, that the Department of Indian Affairs and Northern Development immediately begin work to provide a comprehensive inventory of services that can be made available by public, private and voluntary organizations to the leaders of Indian and Inuit communities. In this inventory, special emphasis should be given to services and assistance that relate to disabled persons. Further, the Department should develop a program which will train these leaders in the skills they will need to be able to identify and obtain the assistance they need for their communities. The development of both of these programs by DIAND should be done with the collaboration of Indian and Inuit organizations, and with the assistance and advice of federal, provincial, private sector, and voluntary organizations who work directly with Indian and Inuit people.

#### 1982: UNDER CONSIDERATION

**Responsibility:** The Department of Indian Affairs and Northern Development (DIAND) recognizes that the problems faced by Indian people and the Inuit can be solved only when local governments are able to take on greater responsibility and authority for community affairs. DIAND has placed a high priority on its Band Training Program (program to promote band self-government). The Committee urges DIAND to place an even higher priority on management training programs.

**Feasibility:** The Minister of Indian Affairs told the Committee: "I am asking my officials to look into the feasibility of your specific recommendation, namely, the development of a comprehensive inventory of services."

**Greater Autonomy:** The Committee believes that information about technical and financial resources is critical, if communities are to assume greater autonomy and provide effective local government. The needs of the disabled in Indian and Inuit communities can only be addressed in a responsible manner if the community leaders are aware of and can access all available assistance. The Committee, therefore, urges DIAND to get on with the development of some kind of Community Assistance Resource Program, as originally recommended.

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## **TWELVE DIRECT THE DEPARTMENT OF NATIONAL HEALTH AND WELFARE TO REINFORCE THE COMMUNITY HEALTH REPRESENTATIVE PROGRAM.**

The CHR program began as the Community Health Worker Program at Norway House, Manitoba, in 1961. It was established to meet the need for some kind of linkage between health professionals and the members of Indian and Inuit communities. This was a unique, co-operative venture--the first of its kind in Canada--developed in consultation with Indian and Inuit leaders.

**Important Go-Between:** The need for a linkage resulted from the inability of health professionals, faced with the cultural and language barriers, to influence the patterns of daily living which caused disease and disability in Native communities. The Community Health Representatives are Indian and Inuit persons who have a basic grounding in the public health field and who have focused on preventative education among their people. Essentially, they have served as translators in all matters related to health between the professionals and the community members.

**Community Support:** From the outset of this program, these paramedical workers have had the support of their own communities, but they have frequently lacked recognition from the health professionals. One reason for this was the high turnover rate among the professionals, which meant that the CHRs continually have to reprove their worth as essential health workers. But over the years, as the program developed, it has been the CHRs who have represented the stable and continuous part of many health service programs in outlying communities. As a result, at this time, they are now seen as an integral link in the health care delivery system to communities throughout Canada.

**Vital Resource:** Cathie Bruyere, the Director of the Health Development Program at the National Indian Brotherhood recently stated:

"The Community Health Representative Program has been a great illustration of what can be achieved when Indian people become involved meaningfully in their own health care. Despite administrative problems, the program survives because it is based on sound principles of community development. There is room for improvement. The role of the CHR should be expanded so that the program keeps pace with the movement for Indian control of Indian affairs. CHRs should become specialists and be able to advise Indian governments, as well as the medical professionals, on the needs of Indian people, on the establishment of priorities, and on the recommended ways and means of providing new services. Regrettably, CHRs at this time are underpaid and frequently underemployed. And that results in a downgrading of their status within their own communities, as well as in the professional health community. They do not have a legitimate career path to follow in the health field, which makes them an underdeveloped resource. I see them in the future specializing in many health categories including health administration, maternal and child health, mental health, and community health planning. The CHRs are a vital resource to their communities."

Her comments underline the intent of this recommendation:

- **Best Position:** CHRs already provide an essential service in the area of general health education, and they are in an ideal position within Indian and Inuit communities to identify and respond to the individual needs of disabled persons.
- **Historic Success:** At the present time, a national evaluation of the CHR program is being conducted jointly by federal and Indian officials. This evaluation should take into account the historic success of the program, and the specific needs of disabled Indians and Inuit.
- **Career Opportunities:** Whatever shortcomings this evaluation may reveal, it is important to recognize the vital potential of this program. This recognition would best take the form of developing career opportunities for the CHRs, with specialization in such areas as environmental health, health education, mental health and even field nursing.
- **Emphasize Prevention:** In the meantime, in the curriculum and the recommended standards for certification of a CHR, special attention should be paid to the prevention of disabilities. A part of the CHR job should be to conduct surveys and primary care screening to identify those individuals who are prone to disabilities in their daily life.
- **Potential Candidates:** Incentives to attract more candidates into this program should include higher pay and an elevated profile for the program. As a way of introducing more potential candidates to careers in the health field, and at the same time to reinforce existing health education efforts, special student teaching projects could be developed to take advantage of major social functions such as pow wows, rodeos and treaty celebrations, all of which attract nearly the entire community population.
- **American Success:** In the United States, the CHR program has adopted all of these measures over the past ten years. In fact, over 50% of the CHRs in the United States now are trained specialists. They also play a critical role in ensuring the success of the Early Periodic Screening



Program which was developed in collaboration with state and federal officials in an effort to prevent physical and mental disabilities in age groups from birth to 21. The CHRs administer this screening program on reservations.

For further discussion of the expansion of career opportunities for Community Health Representatives, see Recommendation 6 on paraprofessional training programs.

**1982: COMMITTED**

**Evaluation:** The Department of National Health and Welfare is presently conducting an evaluation of the Community Health Representative (CHR) program (presently there are 550 CHRs). The Department expects to improve the program as a result of this evaluation. The CHR program has been identified as a top priority in Indian health planning for 1982-83. The committee sees the program as crucial to improved health care in Indian communities, and urges the Department to continue its efforts to improve the training and organization of Community Health Representatives.

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